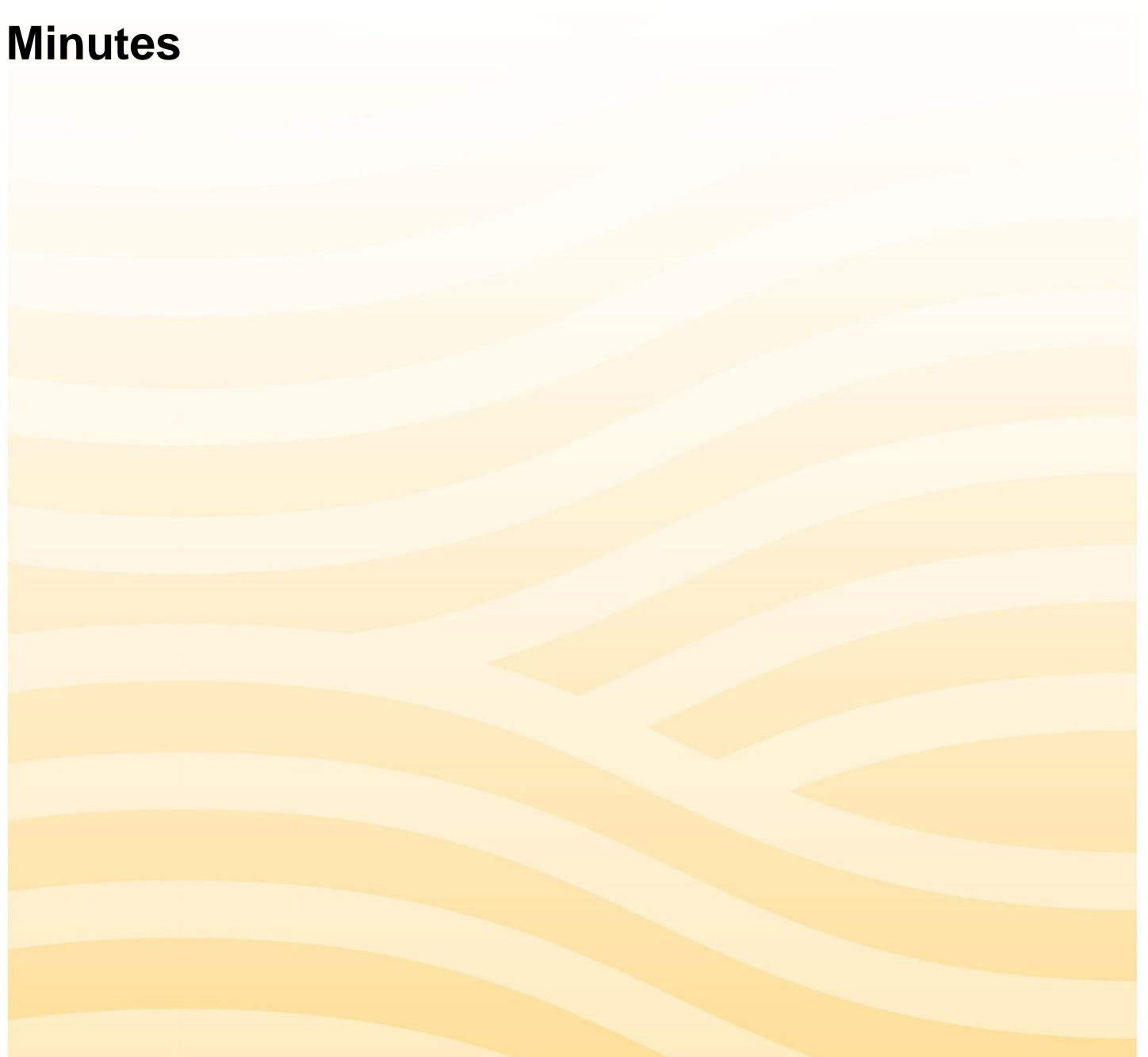




Application Assessment Panel

Tuesday 13 August 2024
3.00pm

Minutes



Application Assessment Panel Minutes

Tuesday 13 August 2024

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Application Assessment Panel

Minutes of the Meeting held on 13 August 2024 at 3.00pm.

Present: Scott Pedder (Director – Planning & Place) (Chair)
 Rosemary Bullmore (Manager Legal, Compliance & Enforcement)
 Anne White (Manager – Strategic Planning & Place)

Staff: Larissa Holbert (Senior Assessment Officer)
 Carolyn Nurmi (Governance Officer)

Also in Attendance: Nil

1. Opening

The Chair declared the Application Assessment Panel Meeting of 13 August 2024 open and welcomed Panel members, staff and members of the public who are watching and listening to this meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Leave of Absence and Apologies

Nil

4. Late Correspondence

Late correspondence was submitted to the committee in relation to Item: D2

5. Disclosures of Interest

Nil

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 16 JULY 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/137841
Purpose of the Report: The Minutes of the Application Assessment Panel of 16 July 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Pedder/Bullmore)

Resolved:

THAT the Minutes of the Application Assessment Panel Meeting of 16 July 2024 be taken as read and confirmed.

ITEM No. D2
FILE No. DA425/2023/1
ADDRESS 257 Glenmore Road, Paddington
PROPOSAL Alterations and additions to the existing ground floor level including new food and drink premises with indoor seating of 40 patrons with trading hours - Monday to Thursday 7:00am to 11:00pm, Friday and Saturday 7:00am to 12:00am and Sunday 8:00am to 10:00pm

Note: Late correspondence was tabled by Michael Johnston & Carolyn Donohue.

Note: Stuart McCulloch addressed the Panel.

Note: The Panel added Deferred Commencement 1. (Deferred Commencement - (section 4.16(3) of the Act, clause 95 of the Regulation), amended Condition A.5 (Development Consent is Not Granted in Relation to these Matters), and deleted original Condition D.1 (Modification of Details of the Development (section 4.17(1)(g) of the Act)

Reasons for Decision

The application has been assessed within the framework of the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval because:

- It is considered to be satisfactory with all relevant planning policies including the objectives of WLEP 2014 and WDCP 2015;
- It will not have adverse effects on the local built and natural environment nor any adverse social and economic impacts in the locality;
- All likely impacts to adjoining properties including any submissions made have been addressed in the report, or are considered to be satisfactory;
- The site is suitable for the proposed development; and
- The proposal is in the public interest

(Bullmore/White)

Resolved: Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

THAT the Council, as the consent authority, grant deferred commencement development consent to Development Application No. 425/2023/1 for alterations and additions to the existing ground floor level including new food and drink premises with indoor seating of 40 patrons with trading hours - Monday to Saturday 7:00am to 10.00pm and Sunday 8:00am to 10:00pm on land at 257 Glenmore Road Paddington, subject to the following conditions:

1.	<p>Deferred Commencement - (section 4.16(3) of the Act, clause 95 of the Regulation)</p> <p>Development consent is granted subject that this consent is not to operate until the Applicant satisfies the Council, in accordance with the <i>Regulations</i>, as to all matters specified in this condition:</p> <p>a) Shopfront:</p> <p>To protect the character and appearance of the existing building and the Paddington Heritage Conservation Area the proposed works to the existing shopfront including demolition works, changes to the existing windows/doors, any changes to the building footprint and the proposed rendered finish to the front façade must be deleted. New painting works, the removal of the existing paintwork and the proposed exterior wall lighting to the front façade are permitted.</p> <p>Woollahra DCP 2015, Chapter C1, Clause 1.2.4 Woollahra DCP 2015, Chapter C1, Clause 1.3.6, Objectives O1, O2, Controls C1, C2, C3 Woollahra DCP 2015, Chapter C1, Clause 1.3.8, Objective O1, Controls C2, C5, C8, C11</p> <p>b) Paintwork:</p> <p>To enhance the architectural character of the existing building, the existing paintwork to the existing face bricks located on the front façade below the top of the front awning shall be removed to restore the façade to its original finish. This paintwork must be removed using no abrasive methods, in order to protect the integrity and finish of this brickwork.</p> <p>Woollahra DCP 2015, Chapter C1, Clause 1.3.6, Objectives O6, O13, Controls C1, C2, C14, C15, C23 Woollahra DCP 2015, Chapter C1, Clause 1.5.8, Objectives O1, O2, Controls C1, C2.</p> <p>c) External Wall Lights:</p> <p>To protect the significance of the existing building, the proposed wall lights to be installed to the front elevation at ground floor level must not damage the brickwork or be fixed directly into the brickwork. This lighting must be fixed into the mortar joints.</p> <p>The Applicant must produce evidence to Council sufficient enough to enable it to be satisfied as to those matters above within 365 days of the date of determination.</p> <p>Clause 76(3) of the Regulation:</p>
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“A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters”.

If the evidence is not produced with within 365 days of the date of determination this deferred commencement consent is of no effect, the consent does not operate and no Construction Certificate can be issued. No development can lawfully occur under this consent unless it operates.

This consent does not operate until Council has acknowledged compliance with this condition in writing.

Notes:

- Nothing in the Act prevents a person from doing such things as may be necessary to comply with this condition. (See section 4.16(3) of the Act).
- Implementing the development prior to written confirmation of compliance may result in legal proceedings. If such proceedings are required Council will seek all costs associated with such proceedings as well as any penalty or order that the Court may impose. No Construction Certificate can be issued until all conditions including this condition required to be satisfied prior to the issue of any Construction Certificate have been satisfied.

Condition Reason: To ensure all parties are aware this consent does not operate until the Council is satisfied all relevant matters specified in this condition are addressed.

ALL DEVELOPMENT TYPES

A. GENERAL CONDITIONS

A. 1.	<p>Conditions</p> <p>Consent is granted subject to the following conditions imposed under section 4.16 of the Environmental Planning and Assessment Act 1979 (“the Act”), and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the Regulations”) and the provisions of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (“the Development Certification and Fire Safety Regulations”), such conditions being reasonable and relevant to the development as assessed under section 4.15 of the Act.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Failure to comply with this development consent and any condition of this consent is a criminal offence. Failure to comply with other environmental laws is also a criminal offence. • Where there is any breach Council may without any further warning: <ul style="list-style-type: none"> a) Issue Penalty Infringement Notices (On-the-spot fines); b) Issue notices and orders; c) Prosecute any person breaching this consent; and/or d) Seek injunctions/orders before the courts to restrain and remedy any breach. • Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences. • Should Council have to take any action to enforced compliance with this consent or other environmental laws Council’s policy is to seek from the Court appropriate orders requiring the payments of its costs beyond any penalty or remedy the Court may order. • This consent and this specific advice will be tendered to the Court when seeking costs orders from the Court where Council is successful in any necessary enforcement action. • The payment of environmental penalty infringement notices does not result in any criminal offence being recorded. If a penalty infringement notice is challenged in Court and the person is found guilty of the offence by the Court, subject to section 10 of the Crimes (Sentencing Procedure) Act 1999, a criminal conviction is recorded. The effect of a criminal conviction beyond any fine is serious.
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	<p>Condition Reason: To ensure all parties are aware of the relevant legislation that applies to the development.</p>
<p>A. 2.</p>	<p>Definitions</p> <p>Unless specified otherwise, words have the same meaning as defined by the <i>Act</i>, the <i>Regulations</i>, the <i>Development Certification and Fire Safety Regulations</i> and the <i>Interpretation Act 1987</i> as in force at the date of consent.</p> <p>Applicant means the applicant for this consent.</p> <p>Approved Plans mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p>Local native plants means species of native plant endemic to Sydney’s eastern suburbs.</p> <p>Owner-builder has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p>PC means the Principal Certifier under the <i>Act</i>.</p> <p>Principal Contractor has the same meaning as in the <i>Act</i>, or where a Principal Contractor has not been appointed by the Owner of the land being developed Principal Contractor means the Owner of the land being developed.</p> <p>Professional engineer has the same meaning as in the <i>BCA</i>.</p> <p>Public place has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p>Road has the same meaning as in the <i>Roads Act 1993</i>.</p> <p>SEE means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p>Site means the land being developed subject to this consent.</p> <p>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.</p> <p>Woollahra LEP means <i>Woollahra Local Environmental Plan 2014</i></p> <p>Woollahra DCP means <i>Woollahra Development Control Plan 2015</i></p> <p>Work for the purposes of this consent means:</p> <ul style="list-style-type: none"> • the use of land in connection with development, • the subdivision of land, • the erection of a building, • the carrying out of any work, • the use of any site crane, machine, article, material, or thing, • the storage of waste, materials, site crane, machine, article, material, or thing, • the demolition of a building, • the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land, • the delivery to or removal from the <i>site</i> of any machine, article, material, or thing, or

	<ul style="list-style-type: none"> the occupation of the <i>site</i> by any person unless authorised by an occupation certificate. 																								
	Condition Reason: To ensure all parties are aware of the relevant definitions.																								
A. 3.	Approved Plans and Supporting Documents																								
	<p>Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the architectural plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.</p> <p>Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.</p>																								
	<table border="1"> <thead> <tr> <th>Reference</th> <th>Description</th> <th>Author</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>20230777.1/26 09A/R2/JW – Revision 2</td> <td>Acoustic Report</td> <td>Acoustic Logic</td> <td>26/09/2023</td> </tr> <tr> <td>20-05, Rev B 20-06, Rev C 20-07, Rev D 20-08, Rev C 20-09, Rev C 20-10, Rev B 20-11, Rev C 30-01, Rev C 30-02, Rev C 30-03, Rev C 40-01, Rev C 50-01, Rev A 50-02, Rev B 50-03, Rev A 60-01, Rev C</td> <td>Architectural Plans</td> <td>Dan Properties Pty Ltd</td> <td>22/08/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 22/08/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 28/04/2023 22/09/2023 28/04/2023 22/09/2023</td> </tr> <tr> <td>M00, M01, M02</td> <td>Mechanical Services</td> <td>Engineering Partners Building Services</td> <td>15/08/2023</td> </tr> <tr> <td>Not specified</td> <td>Plan of Management</td> <td>Andes Restaurant</td> <td>Undated</td> </tr> <tr> <td>10-10</td> <td>Finishes Schedule</td> <td>Dan Properties, Pty Ltd</td> <td>20/09/2023</td> </tr> </tbody> </table>	Reference	Description	Author	Date	20230777.1/26 09A/R2/JW – Revision 2	Acoustic Report	Acoustic Logic	26/09/2023	20-05, Rev B 20-06, Rev C 20-07, Rev D 20-08, Rev C 20-09, Rev C 20-10, Rev B 20-11, Rev C 30-01, Rev C 30-02, Rev C 30-03, Rev C 40-01, Rev C 50-01, Rev A 50-02, Rev B 50-03, Rev A 60-01, Rev C	Architectural Plans	Dan Properties Pty Ltd	22/08/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 22/08/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 22/09/2023 28/04/2023 22/09/2023 28/04/2023 22/09/2023	M00, M01, M02	Mechanical Services	Engineering Partners Building Services	15/08/2023	Not specified	Plan of Management	Andes Restaurant	Undated	10-10	Finishes Schedule	Dan Properties, Pty Ltd	20/09/2023
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	<p>Notes:</p> <ul style="list-style-type: none"> Warning to Principal Certifier – You must always insist on sighting the original Council stamped approved plans. You must not rely solely upon the plan reference numbers in this condition. Should the Applicant not be able to provide you with the original copy Council will provide you with access to its files so you may review our original copy of the approved plans. These plans and supporting documentation may be subject to conditions imposed under section 4.17(1)(g) of the Act modifying or amending the development. 																								
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																								
A. 4.	Ancillary Aspects of Development (section 4.17(2) of the Act)																								
	<p>The Owner must procure the repair, replacement or rebuilding of all road pavement, kerb, gutter, footway, footpaths adjoining the site or damaged as a result of work under this consent or as a consequence of work under this consent. Such work must be undertaken to Council's satisfaction in accordance with Council's Specification for Roadworks, Drainage and Miscellaneous Works (2012) unless expressly provided otherwise by these conditions at the Owner's expense.</p>																								

	<p>Notes:</p> <ul style="list-style-type: none"> This condition does not affect the Principal Contractor's or any sub-contractors obligations to protect and preserve public infrastructure from damage or affect their liability for any damage that occurs.
	<p>Condition Reason: To ensure all parties are aware of works required to public infrastructure and to ensure payment for works.</p>
A. 5.	<p>Development Consent is Not Granted in Relation to these Matters</p>
	<p>This approval does not give consent to the following:</p> <ul style="list-style-type: none"> Any signage. Any works or use of Council's footpath for outdoor seating. A separate Footway Dining Application needs to be submitted to Council.
	<p>Condition Reason: To ensure all parties are aware of works that have not been granted consent.</p>

DEMOLITION WORK

B. BEFORE DEMOLITION WORK COMMENCES

B. 1.	<p>Construction Certificate Required Prior to Any Demolition</p>
	<p>Where demolition is associated with an altered portion of, or an extension to an existing building the demolition of any part of a building is "commencement of erection of building" under section 6.6 of the Act.</p> <p>In such circumstance all conditions included at the following development stages of this consent must be satisfied prior to any demolition work:</p> <ul style="list-style-type: none"> Before issue of a construction certificate Before building work commences <p>This includes, but is not limited to, the issue of a Construction Certificate, appointment of a Principal Certifier, and Notice of Commencement under the Act.</p> <p>Note:</p> <ul style="list-style-type: none"> See Over our Dead Body Society Inc v Byron Bay Community Association Inc [2001] NSWLEC 125.
	<p>Condition Reason: To ensure appropriate conditions are complied with for development for the alteration and extension of an existing building.</p>
B. 2.	<p>Identification of Hazardous Material</p>
	<p>Prior to any site works, and in accordance with Australian Standard AS2601: The Demolition of Structures, all hazardous substances located on the site must be identified, including asbestos, polychlorinated biphenyls (PCBs), lead paint, underground storage tanks, chemicals, etc.</p> <p>In this regard, prior to any site works, Council must be provided with a written report prepared by a suitably qualified competent person detailing:</p> <ul style="list-style-type: none"> all hazardous materials identified on the site, the specific location of all hazardous materials identified,

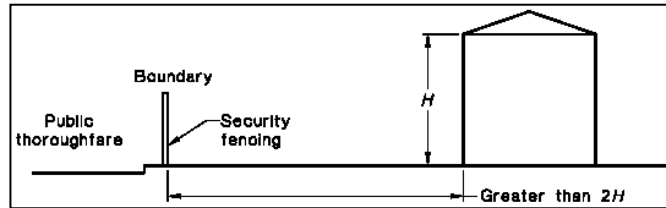
	<ul style="list-style-type: none"> • whether the hazardous materials are to be removed from the site as part of the works to be undertaken, and • safety measures to be put in place. <p>Condition Reason: To protect the health and safety of all persons while works are being undertaken and to ensure all safety measures have been identified and are in place to protect all parties in the immediate vicinity of the site.</p>																
<p>B. 3.</p>	<p>Public Road Assets Prior to Any Work/Demolition</p> <p>Prior to any site works, a full record of the condition of the public infrastructure on public land adjacent to the development site must be submitted to Council.</p> <p>The report must include photographs and/or CCTV footage showing the current condition and any existing damage fronting and adjoining the site to the:</p> <ul style="list-style-type: none"> • road pavement, • street signage including street lights, • kerb and gutter, • footway including pedestrian crossings, footpath, and driveways, • retaining walls, or other significant structures, • Heritage Items, including street name inlays, • utility service items including historical utility covers, and • drainage structures/pits/pipes (CCTV footage). <p>The reports are to be supplied in electronic format in Word and if applicable accompanied by CCTV footage. Photographs are to be in colour, digital and date stamped.</p> <p>If the required report is not submitted then Council will assume there was no damage to any infrastructure in the immediate vicinity of the site prior to the commencement of any site works under this consent.</p> <p>Condition Reason: To clarify the condition of the existing public infrastructure prior to the commencement of any site works.</p>																
<p>B. 4.</p>	<p>Payment of Security and Fees</p> <p>Prior to any site works, the following security and fees must be paid in full:</p> <table border="1" data-bbox="320 1529 1437 1845"> <thead> <tr> <th>Description</th> <th>Amount</th> <th>Indexed</th> <th>Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4">SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i></td> </tr> <tr> <td>Property Damage Security Deposit - making good any damage caused to any property of the Council</td> <td>\$10 775</td> <td>No</td> <td>T115</td> </tr> <tr> <td>TOTAL SECURITY AND FEES</td> <td>\$10 775</td> <td></td> <td></td> </tr> </tbody> </table> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. 	Description	Amount	Indexed	Council Fee Code	SECURITY under section 4.17(6) of the <i>Environmental Planning and Assessment Act 1979</i>				Property Damage Security Deposit - making good any damage caused to any property of the Council	\$10 775	No	T115	TOTAL SECURITY AND FEES	\$10 775		
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	<p>The payment of a security may be made by a bank guarantee where:</p> <ul style="list-style-type: none"> • the guarantee is by an Australian bank for the amount of the total outstanding contribution, • the bank unconditionally agrees to pay the guaranteed sum to the Council on written request by Council on completion of the development or no earlier than 12 months from the provision of the guarantee whichever occurs first [NOTE: a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable], • the bank agrees to pay the guaranteed sum without reference to the Applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, • the bank guarantee is lodged with the Council prior to any site works being undertaken, and • the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required. <p>Notes:</p> <ul style="list-style-type: none"> • An application must be made to Council by the person who paid the security for release of the securities held under section 4.17 of the Act. • The securities will not be released until the Occupation Certificate has been lodged with Council, Council has inspected the site and Council is satisfied that the public works have been carried out to Council's requirements. Council may use part or all of the security to complete the works to its satisfaction if the works do not meet Council's requirements. • Council will only release the security upon being satisfied that all damage or all works, the purpose for which the security has been held have been remedied or completed to Council's satisfaction as the case may be. • Council may retain a portion of the security to remedy any defects in any such public work that arise within 6 months after the work is completed. • Upon completion of each section of road, drainage and landscape work to Council's satisfaction, 90% of the bond monies held by Council for these works will be released upon application. 10% may be retained by Council for a further 6 month period and may be used by Council to repair or rectify any defects or temporary works during the 6 month period. • The Refund of Security Bond Application form can be downloaded from www.woollahra.nsw.gov.au
	<p>Condition Reason: To ensure any relevant security and fees are paid.</p>
<p>B. 5.</p>	<p>Works (Construction) Zone – Approval and Implementation</p> <p>If the Construction Management Plan relies upon a Works Zone, before any site work commences, a Works Zone application must be made.</p> <p>If the works zone is approved, all fees for the Works Zone must be paid before it can be installed.</p> <p>All Works Zone signs must have been erected by Council to permit enforcement of the Works Zone by Council's Rangers and NSW Police before commencement of any site work. Signs are not erected until full payment of Works Zone fees is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A minimum of four to six weeks must be allowed (for routine applications) from the date of making an application to the Traffic Committee (Woollahra Local Traffic Committee) constituted under clause 20 of the Transport Administration (General) Regulation 2018 to exercise those functions delegated by Transport for New South Wales under section 31(3) of the Transport Administration Act 1988. • The enforcement of the Works Zone is at the discretion of Council's Rangers and the NSW Police Service. Any breach of the Works Zone must be reported to either Council or the NSW Police Service.

Condition Reason: To facilitate the efficient operation of construction projects and to minimise traffic disruption.

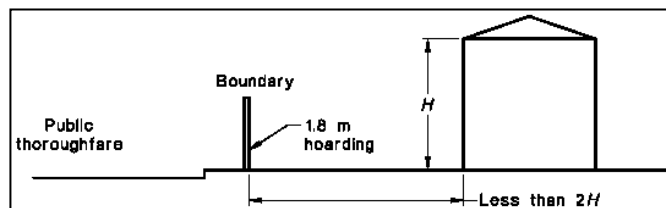
B. 6. Security Fencing, Hoarding (including 'Creative Hoardings') and Overhead Protection

Before any site work commences, security fencing must be provided around the perimeter of the development site, including any additional precautionary measures taken to prevent unauthorised entry to the site at all times during the demolition, excavation and construction period. Security fencing must be the equivalent 1.8m high chain wire as specified in AS 1725.



Type A Hoarding

Where the development site adjoins a public thoroughfare, the common boundary between them must be fenced for its full length with a hoarding, unless the least horizontal distance between the common boundary and the nearest parts of the structure is greater than twice the height of the structure. The hoarding must be constructed of solid materials (chain wire or the like is not acceptable) to a height of not less than 1.8m adjacent to the thoroughfare.



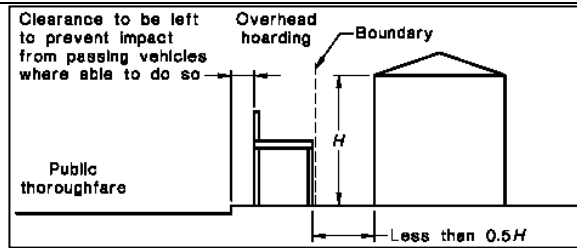
Type B Hoarding

Where a development site adjoins a public thoroughfare with a footpath alongside the common boundary then, in addition to the hoarding required above, the footpath must be covered by an overhead protective structure and the facing facade protected by heavy-duty scaffolding, unless either:

- a) the vertical height above footpath level of the structure being demolished is less than 4.0m; or
- b) the least horizontal distance between footpath and the nearest part of the structure is greater than half the height of the structure.

The overhead structure must consist of a horizontal platform of solid construction and vertical supports, and the platform must:

- a) extend from the common boundary to 200mm from the edge of the carriageway for the full length of the boundary,
- b) have a clear height above the footpath of not less than 2.1m,
- c) terminate 200mm from the edge of the carriageway (clearance to be left to prevent impact from passing vehicles) with a continuous solid upstand projecting not less than 0.5m above the platform surface, and
- d) together with its supports, be designed for a uniformly distributed live load of not less than 7 kPa.



The overhead protective structures must be installed and maintained in accordance with the NSW “Code of Practice - Overhead Protective Structures 1995”. This is code available at www.safework.nsw.gov.au/__data/assets/pdf_file/0008/52883/Overhead-protective-structures-Code-of-practice.pdf

All Hoardings

Security fencing, hoarding and overhead protective structure must not obstruct access to utilities services including but not limited to man holes, pits, stop valves, fire hydrants or the like.

Hoardings on Public Land including ‘Creative Hoardings’

All fees associated with the application and occupation and use of the road (footway) for required hoarding or overhead protection must be paid in full.

A creative hoarding (i.e. an approved artwork or historic image affixed to the hoarding) is required if the hoarding meets the criteria in Council’s Creative Hoardings Policy (adopted March 2020). The cost of printing and affixing the creative hoarding is the responsibility of the person with the benefit of this consent. The Creative Hoardings Policy can be downloaded from Council’s website www.woollahra.nsw.gov.au

Notes:

- A minimum of two (2) weeks from the date of making a hoarding application to determination must be allowed. Any approval for a hoarding or overhead protection under the Roads Act 1993 will be subject to its own conditions and fees.
- Council seeks to increase public art in the public domain by requiring artwork or historic images on hoardings located on public land. Under the Creative Hoardings Policy an application for a hoarding proposed on public land will require an approved artwork or historic image affixed to the hoarding if the hoarding meets the criteria in section 3 of the Policy:
 - A. Hoardings proposed on land zoned E1 Local Centre, or MU1 Mixed Use, or SP2 Infrastructure under Woollahra Local Environmental Plan 2014 AND erected for 8 weeks or more
OR
 - B. Hoardings proposed on land located along a State classified road (regardless of the zone) AND erected for 8 weeks or more
OR
 - C. Hoardings proposed in any other location than that referred to in A. and B. above AND erected for 12 weeks or more, except where:
 1. the capital investment value of the work to which the hoarding relates is less than \$1 million, or
 2. the land is zoned R2 Low Density Residential, or
 3. the land is zoned R3 Medium Density Residential and the hoarding is located in a lane or street that does not have through traffic (e.g. a cul-de-sac or no through road).
- Artwork and historic images for the hoardings are assessed and approved in accordance with the Creative Hoardings Policy. Details of the artwork or images proposed to be affixed to the hoardings must be submitted with Council’s form “Application for a permit to use a footpath for the erection of a hoarding/scaffolding”. The Creative Hoardings Policy can be downloaded from www.woollahra.nsw.gov.au

Condition Reason: To ensure public safety.

B. 7.

Site Signs

Before any site work commences, the sign/s required by clauses 70 of the Regulation and 75 of the Development Certification and Fire Safety Regulation must be erected and maintained at all times.

Clause 70 of the Regulation provides:

Erection of signs

- For the purposes of section 4.17(11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.

Clause 75 of the Development Certification and Fire Safety Regulation provides:

Signs on development sites

If there is a person who is the Principal Certifier or the Principal Contractor for any building work, subdivision work or demolition work authorised to be carried out on a site by a development consent or complying development certificate:

- Each such person MUST ensure that a rigid and durable sign showing the person's identifying particulars so that they can be read easily by anyone in any public road or other public place adjacent to the site is erected in a prominent position on the site before the commencement of work, and is maintained on the site at all times while this clause applies until the work has been carried out.

Notes:

- Clause 75 of the Development Certification and Fire Safety Regulations imposes a maximum penalty of 55 penalty units if these requirements are not complied with.
- If Council is appointed as the Principal Certifier it will provide the sign to the Principal Contractor or Owner-builder who must ensure that the sign is erected and maintained as required by clause 70 of the Regulation and clause 75 of the Development Certification and Fire Safety Regulation.

Condition Reason: To ensure that contact details for the principal certifier and principal contractor are provided on a sign at the development site.

<p>B. 8.</p>	<p>Toilet Facilities</p> <p>Before any site work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ol style="list-style-type: none"> must be a standard flushing toilet, and must be connected to a public sewer, or if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council. <p>The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.</p> <p>Notes:</p> <ul style="list-style-type: none"> In this condition 'sewage management facility' and 'public sewer' are as defined by clause 25 of the Local Government (Approvals) Regulation 1999. This condition does not set aside the requirement to comply with SafeWork NSW requirements. <p>Condition Reason: To ensure toilet facilities are provided for workers at the work site.</p>
<p>B. 9.</p>	<p>Compliance with Australian Standard for Demolition</p> <p>While site work is being carried out, the demolition of buildings and structures must comply with Australian Standard AS 2601—2001: The Demolition of Structures.</p> <p>Condition Reason To control the risks of demolition work.</p>

REMEDIATION WORK

C. ON COMPLETION OF REMEDIATION WORK

N/A

BUILDING WORK

D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

<p>D. 1.</p>	<p>Plan of Management</p> <p>Before the issue of any construction certificate, the submitted Plan of Management must be updated to reflect this development consent and be submitted and approved by Council.</p> <p>Condition Reason: To ensure the Plan of Management is consistent with the development consent.</p>
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D. 2.	<p>Payment of Long Service Levy</p> <p>Before the issue of any construction certificate, the original receipt(s) for the payment of the following levy must be provided to the Principal Certifier:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 45%;">Description</th> <th style="width: 25%;">Amount</th> <th style="width: 10%;">Indexed</th> <th style="width: 20%;">Council Fee Code</th> </tr> </thead> <tbody> <tr> <td colspan="4">LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i></td> </tr> <tr> <td> Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator </td> <td>Contact LSL Corporation or use online calculator</td> <td style="text-align: center;">No</td> <td></td> </tr> </tbody> </table> <p>Building and Construction Industry Long Service Payment The long service levy under section 34 of the Building and Construction Industry Long Service Payment Act 1986, must be paid and proof of payment provided to the Principal Certifier prior to the issue of any construction certificate. The levy can be paid directly to the Long Service Corporation or to Council. Further information can be obtained from the Long Service Corporation website www.longservice.nsw.gov.au or the Long Service Corporation on 131 441.</p> <p>How must the payments be made? Payments must be made by:</p> <ul style="list-style-type: none"> • cash deposit with Council, • credit card payment with Council, or • bank cheque made payable to Woollahra Municipal Council. <p>Condition Reason: To require design changes and/or further information to be provided to address specific issues identified during the assessment under section 4.15 of the Act.</p>	Description	Amount	Indexed	Council Fee Code	LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>				Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No	
Description	Amount	Indexed	Council Fee Code										
LONG SERVICE LEVY under <i>Building and Construction Industry Long Service Payments Act 1986</i>													
Long Service Levy www.longservice.nsw.gov.au/bci/levy/other-information/levy-calculator	Contact LSL Corporation or use online calculator	No											
D. 3.	<p>Building Upgrade (clause 64 of the Regulation)</p> <p>Before the issue of any construction certificate, the construction certificate plans and specification required to be submitted to the Principal Certifier, under clause 7 of the Development Certification and Fire Safety Regulation, must ensure the existing building is brought into total or partial conformity with the BCA, by detailing all building upgrade works required by this condition.</p> <p>The Principal Certifier must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the following provisions of the BCA as in force at the date of the construction certificate application:</p> <p>a) The walls and ceiling separating the commercial from the residential parts of the building is required to comply with Performance Requirements C1P1 and C1P2, of Section C Specification 5, of the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The measures contained in the building are inadequate: <ol style="list-style-type: none"> a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, and/or b) to restrict the spread of fire from the building to other buildings nearby. 												

	<ul style="list-style-type: none"> The Principal Certifier issuing the construction certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA the Principal Certifier, subject to their level of accreditation, may be satisfied as to such matters. Where this condition specifies compliance with prescriptive (Deemed-to-Satisfy) provisions of the BCA these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed Part 8 Division 8.2 or amended under section 4.55 of the Act. This condition does not set aside the Principal Certifier's responsibility to ensure compliance with clause 14 of the Development Certification and Fire Safety Regulation in relation to Fire Protection and Structural Adequacy.
	<p>Condition Reason: To ensure that, in accordance with clause 64 of the Regulation, that the existing building be upgraded to total or partial conformity with the BCA.</p>
<p>D. 4.</p>	<p>Waste Storage – Commercial</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required by clause 7 of the Development Certification and Fire Safety Regulation, must make provision for:</p> <p>a) A dedicated and enclosed waste and recycling storage area behind the building line or within non-habitable areas of the building.</p>
	<p>Condition Reason: To ensure a waste and recycling storage area is provided.</p>
<p>D. 5.</p>	<p>Payment of S7.12 Contributions Levy</p> <p>A payment of a levy authorised by section 7.12 of the Environmental Planning and Assessment Act 1979 must be paid prior to the issue of any Construction Certificate or Subdivision Works Certificate. The Principal Certifier is to be provided with the original receipt for payment under the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>A cost estimate report, no more than 3 months old, demonstrating the proposed cost of carrying out the development must be completed and submitted to Council for determination of the costs of work. This report must incorporate all approved modification applications. The costs and expenses of the proposed cost of development must be established in accordance with clause 208 of the Environmental Planning and Assessment Regulation 2021.</p> <p>The cost estimate report must be in the form of:</p> <ul style="list-style-type: none"> A cost summary report, prepared by the applicant or a person acting on the behalf of the applicant for a development up to \$150,000; A cost summary report, prepared by a suitably qualified person, at the applicant's cost, where the cost of development is between \$150,000 and \$749,999; or A quantity surveyor's report, at the applicant's cost, for development over \$750,000. <p>Note: A 'suitably qualified person' is defined in the Woollahra Section 7.12 Development Contributions Plan 2022.</p> <p>The applicable levy rate is to be calculated using the summary schedule below.</p>

Summary Schedule	
Development Cost	Levy Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of the cost
More than \$200,000	1% of the cost

How must the payments be made?

Payments must be made by:

- Cash deposit with Council,
- Credit card payment with Council, or
- Bank cheque made payable to Woollahra Municipal Council.

Deferred or periodic payment of section 7.12 levy

Where the Applicant makes a written request supported by reasons for payment of the section 7.12 levy other than as required by clause 2.9, the Council may accept deferred or periodic payment. The decision to accept a deferred or periodic payment is at the sole discretion of the Council, which will consider:

- the reasons given,
- whether any prejudice will be caused to the community deriving benefit from the public facilities,
- whether any prejudice will be caused to the efficacy and operation of the Plan, and
- whether the provision of public facilities in accordance with the adopted works schedule will be adversely affected.

Council may, as a condition of accepting deferred or periodic payment, require the provision of a bank guarantee where:

- the guarantee is by an Australian bank for the amount of the total outstanding contribution,
- the bank unconditionally and irrevocably agrees to pay the guaranteed sum to the Council on written request by Council prior to the issue of an occupation certificate,
- a time limited bank guarantee or a bank guarantee with an expiry date is not acceptable,
- the bank agrees to pay the guaranteed sum without recourse to the applicant or landowner or other person who provided the guarantee and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent, and
- the bank's obligations are discharged when payment to the Council is made in accordance with the guarantee or when Council notifies the bank in writing that the guarantee is no longer required.

Any deferred or periodic payment of the section 7.12 levy will be adjusted in accordance with clause 2.12 of the Plan. The Applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Do you need HELP indexing the levy?

Please contact Council's Customer Service Team on 02 9391 7000. Failure to correctly calculate the adjusted development levy will delay the issue of any certificate issued under section 6.4 of the Act and could void any such certificate (e.g. construction certificate, subdivision certificate, or occupation certificate).

Condition Reason: To ensure any relevant contributions are paid.

<p>D. 6.</p>	<p>Structural Adequacy of Existing Supporting Structures</p> <p>Before the issue of any construction certificate, a certificate from a professional structural engineer, certifying the adequacy of the existing supporting structure to support the additional loads proposed to be imposed by the development, must be provided to the Principal Certifier and submitted with the construction certificate application.</p> <p>Condition Reason: To ensure that the existing structure is able to support the additional loads proposed.</p>
<p>D. 7.</p>	<p>Professional Engineering Details</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications, required under clause 7 of the Development Certification and Fire Safety Regulation, must include detailed professional engineering plans and/or specifications for all structural, electrical, hydraulic, hydrogeological, geotechnical, mechanical and civil work complying with this consent, approved plans, and supporting documentation.</p> <p>Detailed professional engineering plans and/or specifications must be submitted to the Principal Certifier with the application for any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> This does not affect the right of the developer to seek staged construction certificates. <p>Condition Reason: To ensure professional engineering details and technical specifications are provided.</p>
<p>D. 8.</p>	<p>Acoustics – Design & Construction</p> <p>The recommendations provided in the approved acoustic report titled ‘255 Glenmore Road Paddington – DA Acoustic Assessment - Acoustic Report: prepared by Acoustic Logic – Document Reference No. 20230777.1/2609A/R2/JW - Revision 2 – 26 September 2023’, shall be implemented during operation and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.</p> <p>The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant, to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.</p> <p><i>Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</i></p> <p>Condition Reason: To ensure acoustic amenity for the surrounding environment.</p>

<p>D. 9.</p>	<p>Acoustics – Mechanical Plant Equipment</p> <p>Before the issue of any construction certificate, an Acoustic Report, prepared by a suitably qualified acoustic consultant, shall assess the environmental noise impacts associated with the operation of all mechanical plant services.</p> <p>The Acoustic Report shall have regard to the <i>Woollahra Municipal Council – Woollahra DCP 2015 and Table 2 – Npfl Rating Background Noise Levels</i> in the approved acoustic report titled, <i>‘255 Glenmore Road Paddington – DA Acoustic Assessment – Acoustic Report: prepared by Acoustic Logic – Document Reference No. 20230777.1/1408A/R0/JW – Revision 2 – 26 September 2023’</i>.</p> <p>The cumulative noise emissions from all mechanical plant services, identified in <i>Mechanical Services Plans: prepared by Engineering Partners – Project No. 23.056, Preliminary DA Issue, dated 15 August 2023 (Drawing No. M00-M02)</i>, shall comply with the Night-time noise emission criteria of 32 dB(A) when measured at the boundary of the development site.</p> <p>Where necessary, noise amelioration treatments will be incorporated in the mechanical plant services design to ensure that cumulative noise levels comply with the noise emission criteria. Compliance noise testing is to be undertaken following the installation of the mechanical plant equipment.</p> <p>Note 1: <i>Compliance with the Night-time noise emission criteria will ensure compliance at all other times.</i></p> <p>Note 2: <i>Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</i></p> <p>Condition Reason: To ensure acoustic amenity to the surrounding environment.</p>
<p>D. 10.</p>	<p>Light and Ventilation</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must detail all lighting, mechanical ventilation or air-conditioning systems complying with Part F.4 of the BCA or clause 3.8.4 and 3.8.5 of the BCA Housing Provisions, inclusive of AS 1668.1, AS 1668.2 and AS/NZS 3666.1.</p> <p>If an alternate solution is proposed then the construction certificate application must include a statement as to how the performance requirements of the BCA are to be complied with and support the performance based solution by expert evidence of suitability.</p> <p>This condition does not set aside the mandatory requirements for ‘Legionella Control’ under the Public Health Act 2010 and Public Health Regulation 2022 in relation to regulated systems. This condition does not set aside the effect of the Protection of the Environment Operations Act 1997 in relation to offensive noise or odour.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Clause 69 of the Regulation requires compliance with the BCA. Clause 19 of the Development Certification and Fire Safety Regulation prevents the issue of a construction certificate unless the Principal Certifier is satisfied that compliance has been achieved.

	<ul style="list-style-type: none"> Part 3, Division 1 of the Development Certification and Fire Safety Regulation details what information must be submitted with any construction certificate. It is the Applicant's responsibility to demonstrate compliance through the construction certificate application process. Applicants must also consider possible noise and odour nuisances that may arise. The provisions of the Protection of the Environment Operations Act 1997 have overriding effect if offensive noise or odour arises from the use. Applicants must pay attention to the location of air intakes and air exhausts relative to sources of potentially contaminated air and neighbouring windows and air intakes respectively, see section 2 and 3 of AS 1668.2.
	<p>Condition Reason: To ensure the development is provided with adequate light and ventilation.</p>
<p>D. 11.</p>	<p>Food Premises – Construction Certificate Plans and Specifications</p> <p>Before the issue of any construction certificate, the person with the benefit of this consent must submit to Council details for the construction and fit out of the food premises. Such details must demonstrate compliance with the Food Act 2003, Food Regulation 2015, and the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674: Construction and fit out of food premises.</p> <p>No construction certificate relating to the construction or fitout of food premises must be issued until Council’s Environmental Health Officer has advised in writing that the plans and specification are considered satisfactory.</p> <p>The details for the construction and fit out of food premises, as considered satisfactory by Council’s Environmental Health Officer must form part of any construction certificate.</p> <p>Notes:</p> <ul style="list-style-type: none"> The assessment of food premises fitout plans and specifications is subject to an adopted fee. The construction and fitout of food premises is not listed under clause 73 of the Development Certification and Fire Safety Regulation as a matter that a Principal Certifier may be satisfied as to. Hence, the detailed plans and specifications must be referred to Council and be to Council’s satisfaction prior to the issue of any construction certificate for such works. <p>Condition Reason: To ensure that the food premises fitout plans and specifications are assessed and approved by Council.</p>
<p>D. 12.</p>	<p>Ventilation - Kitchen Exhaust- Smoke & Odour Control</p> <p>Before the issue of any construction certificate:</p> <ol style="list-style-type: none"> As the discharge of air from the kitchen exhaust ventilation system(s) is considered an obnoxious discharge under Section 3, of Australian Standard 1668.2-2012, the ductwork serving the proposed kitchen exhaust system(s) shall be arranged vertically with a discharge velocity of not less than 5 m/s and be situated at least 1 m above the ridge of a pitched roof or 3 m above the flat of the building. All exhaust air and spill air shall be discharged to atmosphere in such a manner as not to cause a danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public. The design, construction and installation of the kitchen exhaust hood(s) shall comply with the requirements of Appendix E, ‘Kitchen Exhaust Hoods’ of AS 1668.2-2012.

	<p>d) The Construction Certificate plans and specifications, required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation, must detail all the kitchen exhaust ventilation system(s), including all smoke and odour controls and filtering systems. Upon completion and prior to occupation of the premises, the kitchen exhaust ventilation system(s) shall be certified by a qualified engineer that the system(s) has been installed in accordance with AS 1668.1 and AS 1668.2.</p> <p>Condition Reason: To ensure the development does not result in any unreasonable exhaust, smoke or odour impacts.</p>
<p>D. 13.</p>	<p>Flood Protection</p> <p>Before the issue of any construction certificate, the construction certificate plans and specifications required under clause 7 of the Development Certification and Fire Safety Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL).</p> <p><u>Flood Warning</u></p> <p>a) A permanent flood risk management plan shall be installed in an area frequented by the occupants such as the kitchen,</p> <p><u>Flood Proof Material</u></p> <p>a) Flood compatible materials shall be used for all flood exposed construction.</p> <p><u>Electricals</u></p> <p>a) All flood exposed electrical wiring and equipment shall be waterproofed,</p> <p>Flood protection is to comply with Woollahra DCP 2015, Part E General Controls for All Development, Chapter E2 –Stormwater and Flood Risk Management.</p> <p>Notes:</p> <ul style="list-style-type: none"> The revised driveway profile, gradients and transitions must be in accordance with Australian Standard 2890.1, Part 1: Off-street car parking. The driveway profile submitted to Council must contain all relevant details: reduced levels, proposed grades and distances. Council will not allow alteration to existing reduced levels within the road or any other public place to achieve flood protection. <p>Condition Reason: To ensure the development incorporates flood inundation protection measures.</p>

E. BEFORE BUILDING WORK COMMENCES

<p>E. 1.</p>	<p>Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989</p> <p>Before any building work commences, and under section 4.17(11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:</p> <p>a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,</p> <p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p>
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	<p>This condition does not apply:</p> <ol style="list-style-type: none"> a) to the extent to which an exemption is in force under the Home Building Regulation 2014, or b) to the erection of a temporary building. <p>In this condition, a reference to the BCA is a reference to that code as in force on the date the application for the relevant Construction Certificate is made.</p> <p>Notes:</p> <ul style="list-style-type: none"> • This condition must be satisfied prior to commencement of any work in relation to the contract of insurance under the Home Building Act 1989. This condition also has effect during the carrying out of all building work with respect to compliance with the Building Code of Australia. • All new guttering is to comply with the provisions of AS3500. <p>Condition Reason: To ensure that works are carried out in accordance with the Building Code of Australia and any required contract of insurance is in force.</p>
<p>E. 2.</p>	<p>Erosion and Sediment Controls – Installation</p> <p>Before any building work commences, water pollution, erosion and sedimentation controls must be installed and maintained in accordance with:</p> <ol style="list-style-type: none"> a) The Soil and Water Management Plan if required under this consent; b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book). <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The International Erosion Control Association – Australasia (www.austieca.com.au/) lists consultant experts who can assist in ensuring compliance with this condition. • Where Soil and Water Management Plan is required for larger projects it is recommended that this be produced by a member of the International Erosion Control Association – Australasia. • The “Do it Right On Site, Soil and Water Management for the Construction Industry” publication and the accompanying factsheets can be downloaded from www.woollahra.nsw.gov.au and The Blue Book is available at www.environment.nsw.gov.au • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides inter alia that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of their occupation of the land being. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>

<p>E. 3.</p>	<p>Building - Construction Certificate, Appointment of Principal Certifier, Appointment of Principal Contractor and Notice of Commencement (Part 6, Division 6.3 of the Act)</p> <p>Building work must not commence, until:</p> <ol style="list-style-type: none">a) A construction certificate for the building work has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited Certifier, andb) The person having the benefit of the development consent has:<ul style="list-style-type: none">• appointed a Principal Certifier for the building work, and• notified the Principal Certifier that the person will carry out the building work as an Owner-builder, if that is the case, andc) The Principal Certifier has, no later than 2 days before the building work commences:<ul style="list-style-type: none">• notified the consent authority and the Council (if the Council is not the consent authority) of his or her appointment, and• notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, andd) The person having the benefit of the development consent, if not carrying out the work as an Owner-builder, has:<ul style="list-style-type: none">• appointed a Principal Contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and• notified the Principal Certifier of any such appointment, and• unless that person is the Principal Contractor, notified the Principal Contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and• given at least 2 days' notice to the Council of the person's intention to commence the erection of the building. <p>Notes:</p> <ul style="list-style-type: none">• Building has the same meaning as in section 1.4 of the Act and includes part of a building and any structure or part of a structure.• New building has the same meaning as in section 6.1 of the Act and includes an altered portion of, or an extension to, an existing building.• The commencement of demolition works associated with an altered portion of, or an extension to, an existing building is considered to be the commencement of building work requiring compliance with section 6.6(2) of the Act (including the need for a Construction Certificate) prior to any demolition work. See: <i>Over our Dead Body Society Inc v Byron Bay Community Association Inc</i> [2001] NSWLEC 125.• Construction Certificate Application, PC Service Agreement and Notice of Commencement forms can be downloaded from Council's website www.woollahra.nsw.gov.au• It is an offence for any person to carry out the erection of a building in breach of this condition and in breach of section 6.6(2) of the Act.• Under the Home Building Act 1989 any property owner who intends undertaking construction work to a dwelling house or dual occupancy to the value of \$12,000 or over must complete an approved education course and obtain an owner-builder permit from NSW Fair Trading. <p>Condition Reason: To ensure a construction certificate has been issued, a Principal Certifier is appointed, a Principal Contractor (if applicable) is appointed, and a notice of commencement has been submitted.</p>
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E. 4.	Notification of Home Building Act 1989 requirements
	<p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>a) In the case of work for which a Principal Contractor is required to be appointed:</p> <ul style="list-style-type: none">• the name and licence number of the Principal Contractor, and• the name of the insurer by which the work is insured under Part 6 of that Act, <p>b) In the case of work to be done by an Owner-builder:</p> <ul style="list-style-type: none">• the name of the Owner-builder, and• if the Owner-builder is required to hold an Owner-builder permit under that Act, the number of the Owner-builder permit. <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p> <p>This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the Building Code of Australia.</p> <p>For the purposes of section 4.17(11) of the Act, the requirements of this condition are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.</p>
	Condition Reason: To ensure Council is notified of the Home Building Acts 1989 requirements.

F. DURING BUILDING WORK

F. 1.	Compliance with BCA and Insurance Requirements under the Home Building Act 1989
	<p>While site work is being carried out:</p> <p>a) work must be carried out in accordance with the requirements of the Building Code of Australia (BCA),</p> <p>b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>This condition does not apply:</p> <p>a) to the extent to which an exemption is in force under the Development Certification and Fire Safety Regulations, or</p> <p>b) to the erection of a temporary building.</p> <p>In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant construction certificate is made.</p> <p>For the purposes of section 4.17(11) of the Act, the above condition is prescribed in relation to a development consent for development that involves any building work.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> All new guttering is to comply with the provisions of AS 3500. <p>Condition Reason: To ensure compliance with the BCA and Home building Act 1989.</p>
<p>F. 2.</p>	<p>Requirement to Notify about New Evidence</p> <p>While site work is being carried out, any new information that comes to light, which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Principal Certifier.</p> <p>Condition Reason: To ensure Council and the Principal Certifier are made aware of new information.</p>
<p>F. 3.</p>	<p>Critical Stage Inspections</p> <p>While site work is being carried out, critical stage inspections must be called for by the Principal Contractor or Owner-builder as required by the Principal Certifier, any PC service agreement, the Act, the Development Certification and Fire Safety Regulation, and the Regulation.</p> <p>Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the construction certificate(s) and the Act.</p> <p>Critical stage inspections means the inspections prescribed by the Development Certification and Fire Safety Regulations, and Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any PC Service Agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Principal Certifier may require inspections beyond mandatory critical stage inspections in order that the Principal Certifier be satisfied that work is proceeding in accordance with this consent. The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2G2 of the BCA in relation to any matter relevant to the development. <p>Condition Reason: To ensure that building work progresses in accordance with the approved plans, conditions of consent, and requirements of the act.</p>
<p>F. 4.</p>	<p>Hours of Work –Amenity of the Neighbourhood</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> No work must take place on any Sunday or public holiday. No work must take place before 7am or after 5pm any weekday. No work must take place before 7am or after 1pm any Saturday. The following work must not take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday: <ol style="list-style-type: none"> piling, piering, rock or concrete cutting, boring or drilling, rock breaking, rock sawing, jack hammering, or machine excavation.

- e) No loading or unloading of material or equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- f) No operation of any equipment associated with the activities listed in part d) above must take place before 9am or after 4pm any weekday, or before 9am or after 1pm any Saturday or at any time on a Sunday or public holiday.
- g) No rock excavation being cutting, boring, drilling, breaking, sawing , jack hammering or bulk excavation of rock, must occur without a 15 minute interval break within every hour.

Notes:

- The use of noise and vibration generating plant and equipment and vehicular traffic, including trucks in particular, significantly degrade the amenity of neighbourhoods and more onerous restrictions apply to these activities. This more invasive work generally occurs during the foundation and bulk excavation stages of development. If you are in doubt as to whether or not a particular activity is considered to be subject to the more onerous requirement (9am to 4pm weekdays and 9am to 1pm Saturdays) please consult with Council.
- Each and every breach of this condition by any person may be subject to a separate penalty infringement notice or prosecution.
- The delivery and removal of plant, equipment and machinery associated with wide loads subject to Transport for NSW and NSW Police restrictions on their movement outside the approved hours of work will be considered on a case by case basis.
- Compliance with these hours of work does not affect the rights of any person to seek a remedy to offensive noise as defined by the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Noise Control) Regulation 2017.
- NSW EPA Noise Guide is available at www.epa.nsw.gov.au/noise/nqlq.htm

Condition Reason: To mitigate the impact of work upon the amenity of the neighbourhood.

F. 5. Public Footpaths – Safety, Access and Maintenance

While site work is being carried out, any person acting with the benefit of this consent must:

- a) Not erect or maintain any gate or fence that swings out, or encroaches upon the road or the footway.
- b) Not use the road or footway for the storage of any article, material, matter, waste or thing.
- c) Not use the road or footway for any work.
- d) Keep the road and footway in good repair free of any trip hazard or obstruction.
- e) Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be immediately made safe and then repaired, to the satisfaction of Council.
- f) Not stand any plant and equipment upon the road or footway.
- g) If it is proposed to locate any site fencing, hoardings, skip bins or other articles upon any part of the footpath, nature strip or any public place, or operate a crane, hoist or concrete pump on or over Council land, an application must be submitted to and approved by Council beforehand.
- h) Provide a clear safe pedestrian route a minimum of 1.5m wide.

	<p>i) Protect heritage listed street name inlays located in the footpath, kerb and gutter, and any other structure, to ensure they are not removed or damaged during development.</p> <p>This condition does not apply to the extent that a permit or approval exists under the section 148B of the Road Transport Act 2013, section 138 of the Roads Act 1993 or section 68 of the Local Government Act 1993 except that at all time compliance is required with:</p> <p>a) Australian Standard AS 1742 (Set): Manual of uniform traffic control devices and all relevant parts of this set of standards. b) Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Section 148B of the Road Transport Act 2013 allows the NSW Police to close any road or road related area to traffic during any temporary obstruction or danger to traffic or for any temporary purpose. • Section 138 of the Roads Act 1993 provides that a person must not: <ul style="list-style-type: none"> - erect a structure or carry out a work in, on or over a public road, or - dig up or disturb the surface of a public road, or - remove or interfere with a structure, work or tree on a public road, or - pump water into a public road from any land adjoining the road, or - connect a road (whether public or private) to a classified road, or - otherwise than with the consent of the appropriate roads authority. • Section 68 of the Local Government Act 1993 provides that a person may carry out certain activities only with the prior approval of the Council including: <ul style="list-style-type: none"> - Part C Management of waste: <ul style="list-style-type: none"> a) For fee or reward, transport waste over or under a public place b) Place waste in a public place c) Place a waste storage container in a public place. - Part E Public roads: <ul style="list-style-type: none"> a) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway b) Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road. <p>Condition Reason: To ensure safe access is maintained to footpaths and roads during building works.</p>
<p>F.. 6.</p>	<p>Maintenance of Environmental Controls</p> <p>While site work is being carried out, the following monitoring, measures and controls must be maintained:</p> <p>a) erosion and sediment controls, b) dust controls, c) dewatering discharges, d) noise controls, e) vibration monitoring and controls, and f) ablutions.</p> <p>Condition Reason: To ensure that environmental controls are maintained during building works to protect the public and surrounding environment.</p>
<p>F. 7.</p>	<p>Erosion and Sediment Controls – Maintenance</p> <p>While site work is being carried out, water pollution, erosion, and sedimentation controls must be maintained in accordance with:</p> <p>a) the Soil and Water Management Plan required under this consent,</p>

	<p>b) “Do it Right On Site, Soil and Water Management for the Construction Industry” and the accompanying factsheets published by the Southern Sydney Regional Organisation of Councils, and</p> <p>c) “Managing Urban Stormwater - Soils and Construction” 2004 published by the NSW Government (The Blue Book).</p> <p>Where there is any conflict The Blue Book takes precedence.</p> <p>Notes:</p> <ul style="list-style-type: none"> • A failure to comply with this condition may result in penalty infringement notices, prosecution, notices and orders under the Act and/or the Protection of the Environment Operations Act 1997 without any further warning. It is a criminal offence to cause, permit or allow pollution. • Section 257 of the Protection of the Environment Operations Act 1997 provides that “the occupier of premises at or from which any pollution occurs is taken to have caused the pollution”. • Warning: Irrespective of this condition any person occupying the site may be subject to proceedings under the Protection of the Environment Operations Act 1997 where pollution is caused, permitted or allowed as the result of the occupation of the land being developed whether or not they actually cause the pollution. <p>Condition Reason: To prevent potential water pollution and dust nuisance.</p>
<p>F. 8.</p>	<p>Placement and Use of Skip Bins</p> <p>While site work is being carried out, all waste storage containers, including but not limited to skip bins, must be stored within the site unless:</p> <p>a) Activity Approval has been issued by Council under section 68 of the Local Government Act 1993 to place the waste storage container in a public place; and</p> <p>b) where located on the road it is located only in a positions where a vehicle may lawfully park in accordance with the Australian Road Rules.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Waste storage containers must not be located on the footpath without a site specific activity approval. Where such site specific activity approval is granted a 1.5m wide clear path of travel is maintained free of any trip hazards. <p>Condition Reason: To ensure waste storage containers are appropriately located.</p>
<p>F. 9.</p>	<p>Prohibition of Burning</p> <p>While site work is being carried out, there must be no burning of any waste or other materials. The burning of copper chrome arsenate (CCA) or pentachlorophenol (PCP) treated timber is prohibited in all parts of NSW. All burning is prohibited in the Woollahra local government area.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under the Protection of the Environment Operations (Clean Air) Regulation 2021 all burning (including burning of vegetation and domestic waste) is prohibited except with approval. No approval is granted under this consent for any burning. <p>Condition Reason: To ensure no burning of waste occurs.</p>

<p>F. 10.</p>	<p>Dust Mitigation</p> <p>While site work is being carried out, dust mitigation must be implemented in accordance with “Dust Control - Do it right on site” and the accompanying facts sheets published by the Southern Sydney Regional Organisation of Councils.</p> <p>This generally requires:</p> <ol style="list-style-type: none"> a) Dust screens to all hoardings and site fences. b) All stockpiles or loose materials to be covered when not being used. c) All equipment, where capable, being fitted with dust catchers. d) All loose materials being placed bags before placing into waste or skip bins. e) All waste and skip bins being kept covered when not being filled or emptied. f) The surface of excavation work being kept wet to minimise dust. g) Landscaping incorporating trees, dense shrubs and grass being implemented as soon as practically possible to minimise dust. <p>Notes:</p> <ul style="list-style-type: none"> • “Dust Control - Do it right on site” and the accompanying factsheets can be downloaded from Council’s website www.woollahra.nsw.gov.au • Special precautions must be taken when removing asbestos or lead materials from development sites. Additional information can be obtained from www.safework.nsw.gov.au and www.epa.nsw.gov.au. Other specific conditions and advice may apply. • Demolition and construction activities may affect local air quality and contribute to urban air pollution. The causes are dust, smoke and fumes coming from equipment or activities, and airborne chemicals when spraying for pest management. Precautions must be taken to prevent air pollution. <p>Condition Reason: To mitigate the impact of dust upon the amenity of the neighbourhood and prevent water pollution.</p>
<p>F. 11.</p>	<p>Food Premises – Construction and Fitout</p> <p>While site work is being carried out, all construction and fitout of the food premises must comply with the details for the food premises submitted to and considered satisfactory by Council's Environmental Health Officer but no less compliant than with the Food Act 2003, Food Regulation 2015, the Food Standards Code as published by Food Standards Australia and New Zealand and AS 4674: Construction and fit out of food premises.</p> <p>Condition Reason: To protect public health and ensure that food premises are easily maintained in a clean condition fit for food preparation and consumption.</p>
<p>F. 12.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ol style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and

	<p>f) site disturbance must be minimised, and unnecessary excavation limited.</p> <p>When implementing the SWMMP the Applicant must ensure:</p> <ul style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained. <p>Notes:</p> <ul style="list-style-type: none"> • Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
<p>F. 13.</p>	<p>Site Waste Minimisation and Management – Demolition</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from demolition activities:</p> <ul style="list-style-type: none"> a) the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, b) an area is to be allocated for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements), c) separate collection bins and/or areas for the storage of residual waste are to be provided, d) the purpose and content of the bins and/or storage areas are to be clearly ‘signposted’, e) measures to prevent damage by the elements, odour, health risks and windborne litter are to be implemented, and f) site disturbance must be minimised, and unnecessary excavation limited. <p>When implementing the SWMMP the Applicant must ensure:</p> <ul style="list-style-type: none"> a) footpaths, public reserves and street gutters are not used as places to store demolition waste or materials of any kind without Council approval, b) any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997, c) waste is only transported to a place that can lawfully be used as a waste facility, d) generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the NSW Environment Protection Authority, and relevant occupational health and safety legislation administered by SafeWork NSW, and e) evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

	<p>Notes:</p> <ul style="list-style-type: none"> Materials that have an existing reuse or recycling market must not be disposed of in a land fill. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams. <p>Condition Reason: To maximise resource recovery and minimise residual waste from demolition activities.</p>
<p>F. 14.</p>	<p>Site Waste Minimisation and Management – Construction</p> <p>While site work is being carried out, in order to maximise resource recovery and minimise residual waste from construction activities:</p> <ol style="list-style-type: none"> the provisions of the Site Waste Minimisation and Management Plan (SWMMP) are to be implemented at all times during the course of the work, deliveries of materials must be arranged so that materials are delivered ‘as needed’ to prevent the degradation of materials through weathering and moisture damage, consideration must be given to returning excess materials to the supplier or manufacturer, an area must be allocated for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation), the purpose and content of the storage areas must be clearly ‘signposted’, contractors must be arranged for the transport, processing and disposal of waste and recycling and all contractors must be aware of the legal requirements for disposing of waste, separate collection bins or areas for the storage of residual waste must be promoted, measures to prevent damage by the elements, odour and health risks, and windborne litter must be implemented, site disturbance must be minimised and unnecessary excavation limited, all waste must be transported to a place that can lawfully be used as a waste facility, and records demonstrating lawful disposal of waste must be retained and kept readily accessible for inspection by regulatory authorities such as Council, the NSW EPA or SafeWork NSW. <p>Condition Reason: To maximise resource recovery and minimise residual waste from construction activities.</p>
<p>F. 15.</p>	<p>Asbestos Removal</p> <p>While site work is being carried out, all asbestos removal work must be carried out safely according to NSW work health and safety legislation.</p> <p>Where hazardous material, including bonded or friable asbestos has been identified in accordance with the conditions in Section B above, and such material must be demolished, disturbed and subsequently removed, all such works must comply with the following criteria:</p> <ol style="list-style-type: none"> Be undertaken by contractors who hold a current SafeWork NSW “demolition licence” and a current SafeWork NSW “Class A licence” for friable asbestos removal. Be carried out in accordance with the relevant SafeWork NSW codes of practice. No asbestos products may be reused on the site. No asbestos laden skip or bins must be left in any public place.

	<p>Notes:</p> <ul style="list-style-type: none"> • Before starting work, a work site-specific permit approving each asbestos project must be obtained from SafeWork NSW. A permit will not be granted without a current SafeWork licence. • All removal, repair or disturbance of or to asbestos material must comply with: <ul style="list-style-type: none"> - Work Health and Safety Act 2011, - Work Health and Safety Regulation 2017, - SafeWork NSW “Code of Practice: How to Safely Remove Asbestos” (2016), and - SafeWork NSW “Code of Practice: How to Manage and Control Asbestos in the Workplace” (2016). • For more information go to the SafeWork NSW website on asbestos www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos, and www.safework.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice or call 131 050
	<p>Condition Reason: To ensure the safe removal of asbestos and protect the health and safety of persons working on the site and the public.</p>
<p>F. 16.</p>	<p>Classification of Hazardous Waste</p> <p>While site work is being carried out, and prior to the exportation of hazardous waste (including hazardous fill or soil) from the site, the waste materials must be classified in accordance with the provision of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines, Part1: Classifying Waste, 2014.</p> <p>Condition Reason: To ensure that where hazardous waste will be removed from a site an asbestos licensed contractor can definitively determine where the waste may be legally taken for disposal.</p>
<p>F. 17.</p>	<p>Disposal of Asbestos and Hazardous Waste</p> <p>While site work is being carried out, asbestos and hazardous waste, once classified in accordance with the hazardous waste classification condition must only be transported to waste facilities licensed to accept asbestos and appropriate classifications of hazardous waste.</p> <p>Condition Reason: To ensure that asbestos and other hazardous waste is disposed of lawfully under the Protection of the Environment Operations Act 1997 and relevant NSW EPA requirements.</p>
<p>F. 18.</p>	<p>Asbestos Removal Signage</p> <p>While site work is being carried out and when asbestos is being removed, standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.</p> <p>Condition Reason: To ensure awareness of any hazard to the health and safety of persons working on the site and public.</p>

F. 19.	Notification of Asbestos Removal
	<p>While site work is being carried out, in addition to the requirements for licensed asbestos removalists to give written notice to SafeWork NSW, all adjoining properties and those opposite the development site must be notified in writing of the dates and times when asbestos removal is to be conducted.</p> <p>The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email addresses.</p>
	Condition Reason: To ensure that local residents are informed and have adequate contact details for incidents of asbestos removal.

G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

G. 1.	Occupation Certificate (section 6.9 of the Act)
	<p>A person must not commence occupation or use of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an occupation certificate has been issued in relation to the building or part.</p> <p>Notes:</p> <ul style="list-style-type: none"> New building includes an altered portion of, or an extension to, an existing building.
	Condition Reason: To ensure the building is suitable to occupy.
G. 2.	Fire Safety Certificates
	<p>Before the issue of any occupation certificate to authorise a person:</p> <ol style="list-style-type: none"> to commence occupation or use of a new building, or to commence a change of building use for an existing building, the Principal Certifier must be satisfied that a final fire safety certificate has been issued for the building. <p>Notes:</p> <ul style="list-style-type: none"> In this condition: <ul style="list-style-type: none"> interim fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. final fire safety certificate has the same meaning as it has in Part 11 of the Development Certification and Fire Safety Regulation. new building has the same meaning as it has in section 6.1 of the Act.
	Condition Reason: To ensure that a final fire safety certificate is issued prior to occupation.
G. 3.	Commissioning and Certification of Systems and Works
	<p>Before the issue of any occupation certificate, works-as-executed (WAE) plans prepared by a registered surveyor, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA confirming that the works, as executed and as detailed, comply with the requirement of this consent, the Act, the Regulations, any relevant construction certificate, the BCA and relevant Australian Standards must be submitted to the satisfaction of the Principal Certifier.</p> <p>Works-as-executed plans, compliance certificates, and evidence of suitability in accordance with Part A5G1 of the BCA must include, but may not be limited to:</p>

	<p>a) All mechanical ventilation systems. b) All structural work. c) Such further matters as the Principal Certifier may require.</p> <p>Notes:</p> <ul style="list-style-type: none"> The PC may require any number of WAE plans, certificates, or other evidence of suitability as necessary to confirm compliance with the Act, Regulation, development standards, BCA, and relevant Australia Standards. As a minimum WAE plans and certification is required for stormwater drainage and detention, mechanical ventilation work, hydraulic services (including but not limited to fire services). The PC must submit to Council, with any occupation certificate, copies of WAE plans, compliance certificates and evidence of suitability in accordance with Part A5G1 of the BCA upon which the PC has relied in issuing any occupation certificate. <p>Condition Reason: To ensure that systems and works as completed meet development standards as defined by the Act, comply with the BCA, and this consent, and to ensure a public record of works as executed is maintained.</p>
<p>G. 4.</p>	<p>Food Premises - Inspection and Registration</p> <p>Before the issue of any occupation certificate or occupation or use of any food premises:</p> <p>a) an inspection of the fit out of the food premises must be arranged with Council's Environmental Health Officer, b) a satisfactory final inspection must have been undertaken by Council's Environmental Health Officer, and c) the food premises must be registered (notification of conduct) under section 100 of the Food Act 2003.</p> <p>Notes:</p> <ul style="list-style-type: none"> To notify conduct of a food business, Councils approved form can be accessed at: https://www.woollahra.nsw.gov.au Inspections are subject to payment of the adopted inspection fee. Section 100 of the Food Act 2003 requires: "100 Notification of conduct of food businesses - The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted. Maximum penalty: 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation." Principal Certifiers are unable to issue compliance certificates in relation to compliance with the Food Act 2003, Food Regulation 2015; the Food Standards Code and the Australian Standard AS 4674: Construction and fit out of food premises since these are not matters which an Principal Certifier can be satisfied in relation to under clause 73 of the Development Certification and Fire Safety Regulation. This condition can only be satisfied following an inspection and sign off from Council's Environmental Health Officers. <p>Condition Reason: To ensure food premises accord with food safety and public health requirements.</p>
<p>G. 5.</p>	<p>New Waste Services</p> <p>Before the issue of any occupation certificate, the required wastes services must be provided. This includes the purchase of all waste and recycling storage containers (bins and crates) from Council or otherwise in accordance with the approved Waste Management Plan.</p>

	Condition Reason: To ensure waste services are provided prior to occupation.
G. 6.	Maintenance of the Kitchen Exhaust
	Before the issue of any occupation certificate, the proprietor(s) of the subject site shall enter into a contract agreement for the regular maintenance and cleaning of the odour control units and filtering systems. A copy of the contract agreement shall be made available to Council's Health Services Section prior to the occupation of the building.
	Condition Reason: To ensure the kitchen exhaust is maintained.

H. OCCUPATION AND ONGOING USE

H. 1.	Trading Hours
	During the occupation and ongoing use, trading hours are limited to: a) Monday to Sunday: 7am to 10pm All deliveries to the Restaurant use must be undertaken between: a) Monday to Sunday: 8am and 6pm. Notes: <ul style="list-style-type: none"> • This condition does not apply to deliveries to, or dispatches from, the site of wholesale goods or internal activities that occur under the approved hours of use. • General use and deliveries or dispatches may be restricted by hours of use conditions. • This condition does not restrict the operation of noise pollution laws.
	Condition Reason: To mitigate amenity impacts upon the neighbourhood by commercial or retail trading including, but not limited to, external impacts associated with clients attending the site for business or otherwise.
H. 2.	Maximum Patron Capacity
	During the occupation and ongoing use, the total number of patrons on the premises at any time must not exceed 40 patrons. Any person/s attending the premises for the purpose of 'takeaway' products/services will not be considered a 'patron' as detailed above, provided no food and or drink is consumed by those persons on the premises.
	Condition Reason: To prevent overcrowding inside the venue and to minimise impacts on local amenity.
H. 3.	Signage to be Displayed – Licensed Premises
	During the occupation and ongoing use, signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the principal entry to the premises in accordance with clause 73 of the Regulation. The signage must state the following and may change from time to time due to reviewable conditions in accordance with the conditions of this consent:

	<p>“Approved hours of operation – Indoor Area Monday to Sunday: 7am to 10pm</p> <p>Approved patron capacity 40 patrons</p> <p>Upon leaving please respect local residents by minimising noise.”</p> <p>Condition Reason: To clearly identify the hours and patron capacity of the licensed premises.</p>
<p>H. 4.</p>	<p>Neighbourhood Amenity – Licensed Premises</p> <p>During the occupation and ongoing use, the Management of the premises:</p> <ol style="list-style-type: none"> a) Must ensure the doors and windows to the restaurant remain closed during the operation of the use; b) Must ensure persons entering and leaving the premises do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered. c) Must ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the Management must be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council or by NSW Police, the Management is to employ private security staff to ensure that this condition is complied with. d) Must record in a Register full details of any disturbance complaint/s made by a person to Management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided. e) Must respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by Management / staff to resolve such complaint/s must be recorded in the Register. <p>Notes:</p> <ul style="list-style-type: none"> • The lead agency for the enforcement of this condition is NSW Police. <p>Condition Reason: This condition has been imposed to mitigate amenity impacts upon the neighbourhood.</p>
<p>H. 5.</p>	<p>Litter Patrols</p> <p>During the occupation and ongoing use, litter patrols are to be undertaken to collect and dispose of all litter and waste in the public areas adjacent to the licensed premises. Such patrols will take place intermittently during the hours of operation with the final patrol conducted at the cessation of trade.</p> <p>A litter patrol Register must be maintained and kept on the premises at all times detailing date, time of patrol, staff member responsible, and Manager’s signature.</p> <p>Condition Reason: This condition has been imposed to mitigate amenity impacts upon the neighbourhood.</p>

<p>H. 6.</p>	<p>Copies of Consents, Registers and Management Plans – Licensed Premises</p> <p>During the occupation and ongoing use, a full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Management must be kept on the premises and made available for inspection immediately upon request by Council, NSW Police and/or Liquor and Gaming NSW authorised officers.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>
<p>H. 7.</p>	<p>Sale/Consumption of Liquor</p> <p>During the occupation and ongoing use:</p> <p>Licensed Restaurant (Primary Service Authorisation)</p> <ol style="list-style-type: none"> a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from Liquor and Gaming NSW. b) The primary use of the premises must be that of a restaurant with the provision of genuine meals, prepared upon the premises. c) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas. d) No patron must be permitted to take glasses or open containers of liquor off the premises. e) Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified by this consent. <p>Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in this consent.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>
<p>H. 8.</p>	<p>Operation in Accordance with Plan of Management (POM)</p> <p>During the occupation and ongoing use, the operation and management of the premises must be in accordance with the updated Plan of Management (POM), as required by Condition D.2 of this consent.</p> <p>The POM must be filed with the Licensing Police of the Eastern Suburbs Police Area Command prior to the commencement of operations.</p> <p>The POM cannot be altered without the written consent of Council.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>
<p>H. 9.</p>	<p>Garbage Area and Containers</p> <p>During the occupation and ongoing use, the garbage area must be maintained at all times to ensure that a breeding ground is not created for pests and must be capable of being easily and effectively cleaned.</p> <p>All garbage containers must have tight fitting lids and be large enough or in sufficient numbers to contain all the waste produced by the business while awaiting the next removal from the premises.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>

<p>H. 10.</p>	<p>Glass Sorting and Collection</p> <p>During the occupation and ongoing use, glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.</p> <p>No bottle or glass sorting, recycling or collection shall take place between 8.00pm and 8.00am Sunday to Friday and between 9.00pm Saturday and 10am Sundays and Public Holidays.</p> <p>Condition Reason: To mitigate amenity impacts upon the neighbourhood.</p>
<p>H. 11.</p>	<p>Surveillance Cameras (CCTV)</p> <p>During the occupation and ongoing use:</p> <p>Licensed Premises The Management must maintain a closed-circuit television (CCTV) system on the premises.</p> <p>The CCTV system must comply with the following requirements:</p> <ol style="list-style-type: none"> a) It must operate continuously from opening time until one hour after closing. b) It must record in digital format at a minimum of six frames per second. c) Any recorded image must specify the time and date of the image. d) The system's cameras must be located within the property and cover: <ul style="list-style-type: none"> • all entry and exit points of the premises, • the footpath immediately adjacent to the premises, and • all publicly accessible areas (other than toilets) on the premises, • from floor level to a minimum height of two metres. e) CCTV recordings must be retained for at least 30 days. f) Management must ensure the system is accessible by at least one member of staff at all times it is in operations, and g) Provide any recordings made by the system to Council or NSW Police within 24 hours of any request by an authorised officer to provide such recordings. <p>Notes:</p> <ul style="list-style-type: none"> • The lead agency for enforcement is NSW Police. <p>Condition Reason: To reduce and prevent crime and ensure community safety.</p>
<p>H. 12.</p>	<p>NSW Police Requirements (Licensed Premises)</p> <p>During the occupation and ongoing use:</p> <p>Incidents involving acts of violence Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:</p> <ol style="list-style-type: none"> a) take all practical steps to preserve and keep intact the area where the act of violence occurred, b) retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police, and c) make direct and personal contact with the Eastern Suburbs Police Area Command and advise the Commander or delegate of the incident, and comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

	<p>Safety and Security Measures The following safety and security measures must be complied with:</p> <ol style="list-style-type: none"> The entrance is to remain illuminated during all hours of trade past sunset until close. The licensed premises are to be supervised during all hours of trade. An incident register is to be utilised and maintained on a daily basis solely for the purpose of the ground floor restaurant during all hours of trade. <p>Designated Taxi Phone Service A designated taxi phone line or similar service is to be located at the bar service area and maintained by management during all hours of trade and is to be implemented from the date of commencement of the restaurant use.</p> <p>No Use of Strobes, Lasers or Flicker Lights No strobes, lasers or flicking lights are to be employed to the restaurant area.</p> <p>Notes:</p> <ul style="list-style-type: none"> The lead agency for enforcement is NSW Police.
	<p>Condition Reason: To reduce and prevent crime and ensure community safety.</p>
<p>H. 13.</p>	<p>Waste Collection – Commercial</p> <p>During the occupation and ongoing use, general waste collection is to be undertaken ONLY between the hours of:</p> <ul style="list-style-type: none"> 7.00am to 9.00pm Monday to Friday, and 8.00am to 8.00pm Saturday, Sunday and Public Holidays
	<p>Condition Reason: To protect the amenity of neighbouring residents.</p>
<p>H. 14.</p>	<p>Waste Management – Commercial</p> <p>All waste must be presented for collection in a receptacle. Waste receptacles must be presented no earlier than the close of business on the day before collection. Waste and recycling bins/crates must be removed from the road or footpath within 1 hour of collection.</p> <p>Receptacles are not to be stored in any public place at any time. Waste and recycling receptacles must be stored at all times within the boundaries of the site.</p> <p>This condition does not apply to the extent that Activity Approval exists under the Local Government Act 1993 or the Roads Act 1993 and subject that all conditions of such approval(s) are complied with.</p> <p>Notes:</p> <ul style="list-style-type: none"> No waste will be collected by Council that is not presented properly. The waste must be presented with lid closed to reduce littering.
	<p>Condition Reason: To ensure that the provisions of the approved SWMMP and Woollahra DCP are complied with during the ongoing operations of the development.</p>
<p>H. 15.</p>	<p>Annual Fire Safety Statements (Class 1b to 9c buildings inclusive)</p> <p>During the occupation and ongoing use, each year, an annual fire safety statement must be provided to Council and the Commissioner of Fire and Rescue NSW. The annual fire safety statement must be prominently displayed in the building.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • essential fire safety measure has the same meaning as in Schedule 2 of the Development Certification and Fire Safety Regulation. • annual fire safety statement has the same meaning as in clause 88 of the Development Certification and Fire Safety Regulation. • Visit Council's website for additional information in relation to fire safety www.woollahra.nsw.gov.au.
	<p>Condition Reason: To ensure public safety.</p>
H. 16.	<p>Food Premises - Maintenance of Food Premises</p>
	<p>During the occupation and ongoing use, the food premises must be maintained in accordance with the Food Act 2003, Food Regulation 2015; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674: Construction and fit out of food premises.</p>
	<p>Condition Reason: To protect public safety.</p>
H. 17.	<p>Outdoor Lighting – Commercial</p>
	<p>During the occupation and ongoing use, outdoor lighting must comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. The maximum luminous intensity from each luminare and threshold limits must not exceed the level 1 control relevant under tables in AS/NZS 4282.</p>
	<p>Notes:</p> <ul style="list-style-type: none"> • Council may consider, subject to an appropriate Section 4.55 Application, relaxation of this condition where it can be demonstrated, by expert report, that the level of lighting in the existing area already exceeds the above criteria, where physical shielding is present or physical shielding is reasonably possible.
	<p>Condition Reason: To protect the amenity of neighbours and limit the obtrusive effects of outdoor lighting in public places.</p>
H. 18.	<p>Outdoor Dining – Amplified Music</p>
	<p>At no time will amplified speakers be installed within the outdoor dining area to provide background music. This includes no live entertainment.</p>
	<p>Condition Reason: This is to mitigate amenity impacts upon the neighbourhood</p>
H. 19.	<p>Food Premises - Maintenance of Food Premises</p>
	<p>During the occupation and ongoing use, the food premises must be maintained in accordance with the Food Act 2003, Food Regulation 2015; the Food Standards Code as published by Food Standards Australia and New Zealand and Australian Standard AS 4674: Construction and fit out of food premises.</p>
	<p>Condition Reason: To protect public safety.</p>
H. 20.	<p>Noise Control</p>
	<p>During the occupation and ongoing use, the use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p>

	<p>Notes:</p> <ul style="list-style-type: none"> • Council will generally enforce this condition in accordance with the Noise Guide for Local Government (www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government) and the NSW Industrial Noise Policy (www.epa.nsw.gov.au/your-environment/noise/industrial-noise) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997. • Useful links: <ul style="list-style-type: none"> - Community Justice Centres—free mediation service provided by the NSW Government www.cjc.nsw.gov.au. - NSW Environment Protection Authority— see “noise” section www.environment.nsw.gov.au/noise. - NSW Government legislation- access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2017 is available at www.legislation.nsw.gov.au. - Australian Acoustical Society—professional society of noise related professionals www.acoustics.asn.au. - Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au. - Liquor and Gaming NSW—www.liquorandgaming.nsw.gov.au. <p>Condition Reason: To protect the amenity of the neighbourhood.</p>
<p>H. 21.</p>	<p>Noise from Licensed Premises</p> <p>During the occupation and ongoing use, the LA10 noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) by more than 5dB(A) between 07:00 am and 12:00 midnight at the boundary of any affected residence.</p> <p>The LA10 noise level emitted from the licensed premises must not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz – 8k Hz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence.</p> <p>Notwithstanding compliance with the above, the noise from the licensed premises must not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.</p> <p>Notes:</p> <ul style="list-style-type: none"> • dB(A) is a value used for ‘A-weighted’ sound pressure levels ‘A’ frequency weighting is an adjustment made to approximate the response of the human ear. • licensed premises means premises licensed under the Liquor Act 2007. • For the purposes of this condition, the LA10 is the A-weighted sound pressure level that is exceeded for 10% of the time over which a given sound is measured. • The background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90 level measured by a sound level meter over the applicable period. • This condition reflects the minimum standard condition imposed by the former Casino Liquor and Gaming Control Authority. Liquor & Gaming NSW or the Independent Liquor & Gaming Authority may specify other standards in respect of the above condition under the Liquor Act 2007, and associated Regulations. Section 79 of the Liquor Act 2007 provides an informal mechanism for complaints to be made (by residents, Police, local consent authorities and others) where the amenity of local neighbourhoods is unduly disturbed by the conduct of licensed premises including registered clubs (or their patrons). The Secretary of the Department of Industry is responsible for resolving such complaints and may impose temporary or permanent conditions on any license. For more information go to Liquor and Gaming NSW website www.liquorandgaming.nsw.gov.au

	<ul style="list-style-type: none"> Interior noise levels of licensed premises which exceed safe hearing levels are not supported or condoned by Council.
	Condition Reason: To protect the amenity of the neighbourhood.
H. 22.	Noise from Mechanical Plant and Equipment
	<p>During the occupation and ongoing use, the <i>cumulative</i> noise level measured of all mechanical plant and equipment when operating, must not exceed the Night-time noise emission criteria of 32 dB(A), when measured at the boundary of the development site.</p> <p>Reference: <i>Table 2 – Npfl Rating Background Noise Levels</i> in the approved acoustic report titled, ‘255 Glenmore Road Paddington – DA Acoustic Assessment – Acoustic Report: prepared by Acoustic Logic – Document Reference No. 20230777.1/1408A/R0/JW – Revision 2 – 26 September 2023’ & <i>Mechanical Services Plans: prepared by Engineering Partners – Project No. 23.056, Preliminary DA Issue, dated 15 August 2023 (Drawing No. M00-M02).</i></p> <p><i>Note 1: The Night-time background noise level is the underlying level present in the ambient noise, excluding the subject noise source, when extraneous noise is removed. For assessment purposes the background noise level is the LA90, 15 minute level measured by a sound level meter.</i></p> <p><i>Note 2: Compliance with the Night-time noise emission criteria will ensure compliance at all other times.</i></p> <p>Notes:</p> <ul style="list-style-type: none"> Words in this condition have the same meaning as in the Noise Policy for Industry (2017) www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017) and Noise Guide for Local Government (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
	Condition Reason: To protect the amenity of the neighbourhood.

SUBDIVISION WORK

I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

N/A

J. BEFORE SUBDIVISION WORK COMMENCES

N/A

K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

N/A

LAND SUBDIVISION

L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

N/A

STRATA SUBDIVISION

M. BEFORE ISSUE OF A STRATA CERTIFICATE

N/A

There being no further business the meeting concluded at 3.24pm.

We certify that the pages numbered 1 to 44 inclusive are the Minutes of the Application Assessment Panel Meeting held on 13 August 2024 and confirmed by the Application Assessment Panel on 27 August 2024 as correct.

Chairperson

Secretary of Committee