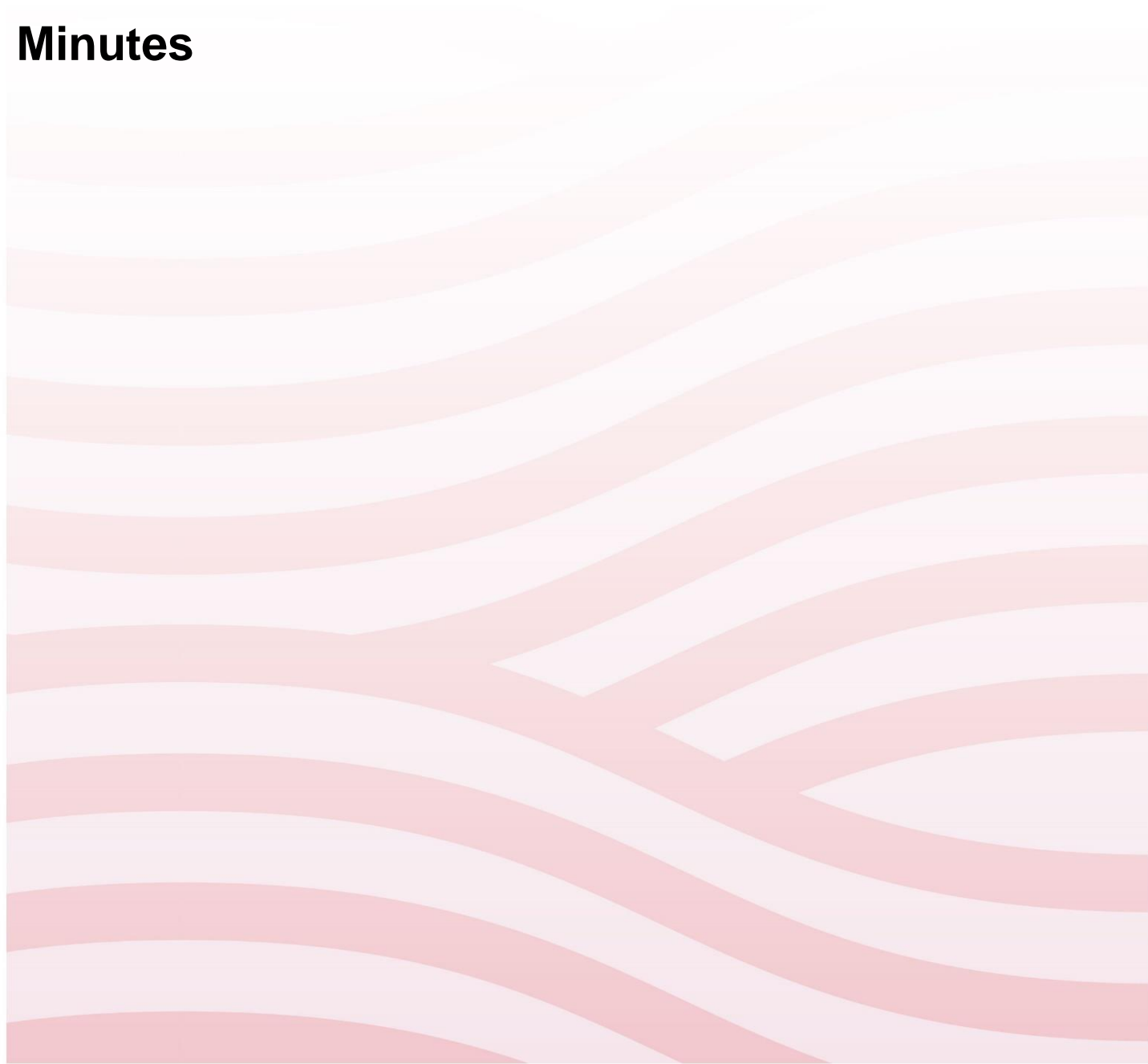




# Woollahra Local Planning Panel (Public Meeting)

Thursday 7 November 2024  
1.00pm

## Minutes





# Woollahra Local Planning Panel (Public Meeting) Minutes

Thursday 7 November 2024  
Held under clause 25 of Schedule 2  
of the Environmental Planning and Assessment Act 1979

## Table of Contents

Item	Subject	Pages
D1	DA298/2024/1 - 2 William Street, Double Bay (aka Steyne Park) .....	4
D2	DA204/2023/1 - 2C & 4 Dumaresq Road, Rose Bay .....	18

## Woollahra Local Planning Panel (Public)

### Minutes of the Meeting held on 17 October 2024 at 1.00pm.

Present:	Penny Holloway	(Chair)
	Helen Lochhead	(Expert)
	Sandra Robinson	(Expert)
	Ron Schaffer	(Community Representative)
Staff:	Nick Economou	(Manager Development Assessment)
	Carolyn Nurmi	(Governance Officer)
	Max Moratelli	(Team Leader)
	Thomas Wong	(Team Leader)

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**Note:** The Panel was briefed by council staff on each Item prior to the meeting.

The Panel heard members of the public who registered to address at the commencement of the public meeting. The public meeting was closed at 1.52pm.

The Panel then deliberated and voted on each Item in a confidential meeting.

The decisions are recorded in these Minutes.

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### **Leave of Absence and Apologies**

Nil

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### **Late Correspondence**

Late correspondence was submitted to the Panel in relation to items D1 & D2

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### **Declarations of Interest**

Ronald Schaffer declared a Significant Non-Pecuniary interest in Item D1 (2 William Street, Double Bay (aka Steyne Park) as both Ronald Schaffer and his son made submissions on this item. Ronald Schaffer did not take part in debate or vote on this matter.

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**ITEM No.** D1  
**FILE No.** DA298/2024/1  
**ADDRESS** 2 William Street Double Bay (aka Steyne Park)  
**PROPOSAL** Free community event - Double Bay Christmas Fair

**Note:** Ronald Schaffer declared a Significant Non-Pecuniary interest in this Item, as both Ronald Schaffer and his son made submissions on this item. Ronald Schaffer did not take part in debate or vote on this matter.

**Note:** Late correspondence was tabled by Cr Sarah Swan, Cr Hugh Woodgate, Jordan Meagher, Belinda Singh, Tulia Mellick, James Marshal, Michael Finger, Michael Jarvin, Anthony Mellick, John Keenan, Kellie Sloane MP, Kelly Thornbury, Irina Rose, Melissa Hoyer, Anthony Tregoning, Double Bay Residents Association, Diana Harley, Anna Waldmann, Janine Joseph, Ron Grunstein, Paul Boukatos, Charles Mellick, Cloudia Austin, Edward Eve, Madeleine Brooks, Liliya Avenesova, Patrick Keenan, Maddy Knight, Fablo Fontes, Karine Souza, Sujay Zulwadi, Robin Owles, Caroline Tunney, Yasmin Mousaei, Christina Papathanasiou, David Mellick, Kristopher Anderson, Tina Anderson, David Gallen and Mabel Zhou.

**Note:** Madelienne Anderson, Rebecca Starr, Melissa Hoyer and Ben Brazil, supporters and John Keenan, Applicant addressed the Panel.

### Reasons for Decision

The Panel has considered any submissions and late correspondence and reviewed the assessment report prepared by Council officers that addresses the relevant matters detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

For the reasons generally in the assessment report, the Panel is satisfied that the application can be approved subject to the modification of Condition A.29 to also incorporate the promotion of walking to the event.

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, grant development consent to Development Application No. 298/2024/1 for free community event - Double Bay Christmas Fair on land at 2 William Street Double Bay (aka Steyne Park), subject to the following conditions:

### ALL DEVELOPMENT TYPES

#### A. GENERAL CONDITIONS

<b>A. 1.</b>	<b>Conditions</b>
	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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Where there is any breach Council may without any further warning:             <ol style="list-style-type: none"> <li>a) Issue Penalty Infringement Notices (On-the-spot fines);</li> <li>b) Issue notices and orders;</li> <li>c) Prosecute any person breaching this consent; and/or</li> <li>d) Seek injunctions/orders before the courts to restrain and remedy any breach.</li> </ol> </li> <li>• Maximum penalties under NSW environmental laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>Condition Reason:</b> To ensure all parties are aware of the relevant legislation that applies to the development.</p>
<p><b>A. 2.</b></p>	<p><b>Definitions</b></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><b>Applicant</b> means the applicant for this consent.</p> <p><b>Approved Plans</b> mean the plans endorsed by Council referenced by this consent as amended by conditions of this consent.</p> <p><b>Local native plants</b> means species of native plant endemic to Sydney's eastern suburbs.</p> <p><b>Owner-builder</b> has the same meaning as in the <i>Home Building Act 1989</i>.</p> <p><b>PC</b> means the Principal Certifier under the <i>Act</i>.</p> <p><b>Principal Contractor</b> 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><b>Professional engineer</b> has the same meaning as in the <i>BCA</i>.</p> <p><b>Public place</b> has the same meaning as in the <i>Local Government Act 1993</i>.</p> <p><b>Road</b> has the same meaning as in the <i>Roads Act 1993</i>.</p> <p><b>SEE</b> means the final version of the Statement of Environmental Effects lodged by the Applicant.</p> <p><b>Site</b> means the land being developed subject to this consent.</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.

**Woollahra LEP** means *Woollahra Local Environmental Plan 2014*

**Woollahra DCP** means *Woollahra Development Control Plan 2015*

**Work** for the purposes of this consent means:

- 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 *site* of any machine, article, material, or thing, or
- the occupation of the *site* 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**

Those with the benefit of this consent must carry out all work and maintain the use and works in accordance with both the plans to which is affixed a Council stamp “Approved” and supporting documents listed below unless modified by any following condition.

Reference	Description	Author	Date
Unreferenced	Plan - Overall	No Author provided	Undated
Unreferenced	Plan - Overall Traffic Flow	No Author provided	Undated
Unreferenced	Double Bay Christmas Festival Event Traffic Management Plan	ASTA Traffic Management	17 July 2024

**Notes:**

- 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. Waste**

The person(s) with the benefit of this consent must ensure there are:

- a) Adequate bins at appropriate locations throughout the events area;



	<p>b) Adequately sized, enclosed rubbish bins at each food stall;                  c) Arrangements to dispose of garbage contents (separate putrescibles and recyclable waste) at the end of the day.</p> <p><b><i>The applicant must make arrangements to remove all waste from the site at the completion of the event and must not be left overnight.</i></b></p> <p><b>Condition Reason:</b> To ensure all waste is adequately disposed of.</p>
<p><b>A. 5.</b></p>	<p><b>Residential Amenity</b></p> <p>All activities are to be carried out and conducted in such a manner so as to not interfere with the amenity of surrounding residents or those within the locality having regard to noise emission, rubbish, waste products and the like.</p> <p><b>Condition Reason:</b> To ensure the amenity of the surrounding residential residents.</p>
<p><b>A. 6.</b></p>	<p><b>Park Management and Maintenance</b></p> <p>To avoid damage as a result of the Christmas Fair and ensure preservation of the parklands, the following must be complied with:</p> <ul style="list-style-type: none"> <li>• No parking of vehicles is permitted on Council parklands,</li> <li>• No marquees or structures are permitted other than those specified in the development consent,</li> <li>• Erection of temporary structures made permissible by this application must not interfere with the existing underground irrigation system or quality of the playing field turf surface,</li> <li>• No advertising signage can be hung between park trees or from park furniture including light poles,</li> <li>• No tables or chairs are permitted in Steyne Park other than those specified in this consent, and,</li> <li>• No existing park signage is to be obstructed or interfered with in the conduct of the event.</li> </ul> <p><b>Condition Reason:</b> To to ensure the protection of Council infrastructure and assets.</p>
<p><b>A. 7.</b></p>	<p><b>Making good damage to park and infrastructure</b></p> <p>The applicant must repair or meet the cost of making good any damage to Steyne Park and Council's infrastructure, as a consequence of the activities associated with this consent.</p> <p>The Park will be inspected at the completion of the event to assess any damage caused, such as damage to trees, the turf surface, amenities block and presence of litter. Any damage must be restored to the satisfaction of Council's Manager Open Space and Trees at the cost to the applicant and within a timeframe as agreed between the applicant and Manager Open Space and Trees. In assessing any damage consideration will be given to normal wear and tear as a consequence of the event. Payment of cost for damage repairs undertaken by Council must be paid within 30 days from issue of Council's invoice.</p> <p><b>Condition Reason:</b> To to ensure the protection of Council infrastructure and assets.</p>

A.	8.	<p><b>Wet weather</b></p> <p>In the event of excessive rain either before or during the event, the Director of Technical Services, or the Director’s nominated representative, is authorised to direct that all or part of the park not be used, if in the opinion of the Director of Technical Services or his authorised representative, excessive damage to the park will result.</p> <p><b>Condition Reason:</b> To to ensure the protection of Council infrastructure and assets.</p>
A.	9.	<p><b>Amplified music equipment etc</b></p> <p>All amplified music equipment, public speakers and other like systems must be connected to the one system so that it can be controlled. The equipment must only be operable by the management or their nominee. The amplification equipment must be installed in a secure area. Access to amplification equipment must be restricted to the management and made available to Council Officers upon request.</p> <p>The use of amplified music equipment, public speakers and other like systems at the event must not give rise to offensive noise to the surrounding residential area. The use of such equipment must be controlled so that elevated volumes of sound are not being experienced by residents within the surrounding area. Offensive noise is defined in the Protection of the Environment Operations Act 1997.</p> <p>This condition has been imposed to protect the amenity of the neighbourhood.</p> <p><b>Note:</b> Council will generally enforce this condition in accordance with the <i>Noise Guide for Local Government</i> (<a href="http://www.environment.nsw.gov.au/noise/nqlg.htm">http://www.environment.nsw.gov.au/noise/nqlg.htm</a>) and the <i>Industrial Noise Guidelines</i> (<a href="http://www.environment.nsw.gov.au/noise/industrial.htm">http://www.environment.nsw.gov.au/noise/industrial.htm</a>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><b>Useful links:</b>  <b>Community Justice Centres</b>—free mediation service provided by the NSW Government (<a href="http://www.cjc.nsw.gov.au">www.cjc.nsw.gov.au</a>).  <b>Department of Environment and Conservation NSW</b>, Noise Policy Section web page (<a href="http://www.environment.nsw.gov.au/noise">www.environment.nsw.gov.au/noise</a>).  <b>New South Wales Government Legislation</b> home page for access to all NSW legislation, including the <i>Protection of the Environment Operations Act 1997</i> and the Protection of the Environment Noise Control Regulation 2000 (<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>).  <b>Australian Acoustical Society</b>—professional society of noise-related professionals (<a href="http://www.acoustics.asn.au/index.php">www.acoustics.asn.au /index.php</a>).  <b>Association of Australian Acoustical Consultants</b>—professional society of noise related professionals (<a href="http://www.aaac.org.au">www.aaac.org.au</a>).  <b>Department of Gaming and Racing</b> - (<a href="http://www.dgr.nsw.gov.au">www.dgr.nsw.gov.au</a>).</p> <p><b>Condition Reason:</b> To ensure amplified music is maintained to acceptable levels.</p>
A.	10.	<p><b>Protection of the Environment Operations Act 1997</b></p> <p>The event organiser(s) must have regard to the Protection of the Environment Operations Act 1997 and ensure that no harm is caused to the environment. In particular no items, articles or other matter is to be placed or operated in a manner where a 'pollution incident' may result.</p> <p><b>Condition Reason:</b> To ensure no harm is caused to the environment.</p>

<p><b>A. 11.</b></p>	<p><b>Hours of Operation</b></p> <p>The hours of operation of the festival are limited to 4.00pm and 9.00pm on the following dates:</p> <ul style="list-style-type: none"> <li>• 30 November 2024</li> </ul> <p>On these dates the bump-in is to start at 7:30am and the bump-out at 9:30pm (event between 11pm and 8pm).</p> <p>The setting up of stalls and other activities are not to commence prior to 7:30am and the area is to be cleared no later than 9:30pm on the day of the event.</p> <p><b>Condition Reason:</b> To ensure the operation of the event is maintained</p>
<p><b>A. 12.</b></p>	<p><b>Public Liability</b></p> <p>The Bay Street Initiative and Cambridge Markets must provide to Council a Certificate of Currency (CC) in regards to Public Liability insurance, minimum of \$20M cover, and noting Woollahra Council as an interested party.</p> <p><b>Condition Reason:</b> To ensure adequate liability insurance is provided.</p>
<p><b>A. 13.</b></p>	<p><b>Security</b></p> <p>The applicant is required to provide adequate security measures at the event from bump-in to bump-out times.</p> <p><b>Condition Reason:</b> To ensure adequate security measures and provided for the event.</p>
<p><b>A. 14.</b></p>	<p><b>Generators and Cabling</b></p> <p>The applicant is responsible for ensuring all power cables do not affect pedestrian movement or present risks to the safety of pedestrians.</p> <p><b>Condition Reason:</b> To ensure the safety of pedestrians and participants of the event.</p>
<p><b>A. 15.</b></p>	<p><b>Amusement Devices</b></p> <p>Jumping Castles and Slides</p> <ul style="list-style-type: none"> <li>• Inflatable devices shall be designed and constructed in accordance with Australian Standard AS 3533.1 –1997.</li> <li>• Each inflatable device, while operating, shall be under the supervision of a person at least 18 years of age, who is fully trained in all aspects of safe operation.</li> <li>• The owner of each inflatable device shall ensure that at all times that the device is in operation it is covered by a public risk insurance policy. The policy value of \$10 million required for other amusement devices would also be appropriate for inflatable devices.</li> <li>• The device shall not be operated in wind velocities exceeding 45km/hr. If the wind velocity approaches this figure, the device must be cleared and deflated immediately.</li> <li>• Each device shall be held down in accordance with the manufacture’s recommendations.</li> <li>• The device is registered under the Occupational Health and Safety Regulation 2001.</li> </ul>

	<ul style="list-style-type: none"> <li>The device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under the Occupational Health and Safety Regulation 2001.</li> <li>Inflatable devices must have a minimum setback of 10 metres from all playgrounds, children’s play equipment and buildings.</li> </ul> <p><b>Condition Reason:</b> To ensure the safety of children.</p>
<b>A. 16.</b>	<p><b>Amusement Device Approval</b></p> <p>No approval is granted by this development consent for the installation or operation of an amusement device that is required to be registered under the <i>Occupational Health and Safety Regulation, 2001</i>, with the exception of those identified as ‘small amusement devices’ in accordance with Clause 75 of the <i>Local Government (General) Regulation 2021</i>.</p> <p>A separate activity application must be lodged with Council prior to the event should consent be sought for the installation or operation of an amusement device that is required to be registered under the <i>Occupational Health and Safety Regulation, 2001</i>.</p> <p><b>Condition Reason:</b> To ensure relevant Amusement Device Approvals are obtained.</p>
<b>A. 17.</b>	<p><b>Public Access</b></p> <p>Public access along the foreshore pathway and adjacent public playground is to be maintained at all times.</p> <p>Public seating in Steyne Park shall remain freely available to the public and is not to be utilised in conjunction with the approved use</p> <p><b>Condition Reason:</b> To ensure access to Public areas are maintained.</p>
<b>A. 18.</b>	<p><b>Fireworks Display</b></p> <p>The fireworks display operator must have all appropriate approvals and licences required by regulatory and other organisations. The display is to be conducted in a safe and proper manner to ensure safety for surrounding residents, users of the park and wildlife. The display shall be carried out between for only 5-8 minutes.</p> <p><b><i>The fireworks display must only be undertaken on the northern area of Steyne Park as close as possible to the harbour.</i></b></p> <p><b>Condition Reason:</b> To ensure the amenity of the surrounding residents, users of the park and wildlife.</p>
<b>A. 19.</b>	<p><b>Fireworks operation licence</b></p> <p>The Fireworks company “Sydney Fireworks &amp; Pyrotechnics” (or any other Fireworks company employed by the Bay Street Initiative and Cambridge Markets must provide evidence of a current licence for Fireworks operation, plus a Certificate of Currency (CC) in regards to Public liability Insurance, \$20 million minimum cover, noting Woollahra Council as an interested party; and a CC for Workers Compensation.</p> <p><b>Condition Reason:</b> To ensure adequate liability insurance and licensing is provided.</p>

<p><b>A. 20.</b></p>	<p><b>Building Code of Australia Requirements</b></p> <p>The following work is to be implemented to ensure compliance with the following provisions of the <i>BCA</i>:</p> <ul style="list-style-type: none"> <li>a) The seating arrangements for the stage shall comply with the requirements of NSW Clause H102.10 of the <i>BCA</i>;</li> <li>b) The fabrics used for the temporary structures shall comply with the requirements of NSW Clause H102.8;</li> <li>c) The electrical services shall comply with NSW Clause H102.14; and,</li> <li>d) Sanitary accommodation shall be provided to the temporary structures in accordance with NSW Clause H102.11.</li> </ul> <p><b>Note:</b> Where this condition specifies compliance with prescriptive (deemed to satisfied) provisions of the <i>BCA</i> these prescriptive requirements must be satisfied and cannot be varied unless this condition is reviewed under section 82A or amended under section 96 of the <i>Act</i>.  <b>Note:</b> This condition does not set aside compliance with clause 143 of the <i>Regulation</i> in relation to Fire Protection and Structural Adequacy.  <b>Note:</b> AS 4655 <i>Guidelines for fire safety audits for buildings</i> (or any succeeding AS) should form the basis of any fire upgrade.</p> <p><b>Condition Reason:</b> To ensure compliance with the <i>BCA</i>.</p>
<p><b>A. 21.</b></p>	<p><b>Fire Point</b></p> <p>A fire point is to be suitably located within the site with suitable portable fire extinguishers as per Australian Standard AS2444, being a mobile fire point.</p> <p>All structures are to comply with Part H102 (Temporary Structures) of the Building Code of Australia.</p> <p><b>Condition Reason:</b> To ensure compliance with the <i>BCA</i>.</p>
<p><b>A. 22.</b></p>	<p><b>Temporary food stalls - Registration of food stalls holders</b></p> <p>While site work is being carried out, the food stall holders and/or events organiser must register with Council and notify the NSW Food Authority the food business details of all food stall holders. This can be done by contacting Council (<a href="mailto:www.records@woollahra.nsw.gov.au">www.records@woollahra.nsw.gov.au</a>) and the NSW Food Authority's website (<a href="http://www.foodauthority.nsw.gov.au">www.foodauthority.nsw.gov.au</a>).</p> <p><b>Condition Reason:</b> To ensure all food stall holders and/or events organiser have registered with Council and notified the NSW Food Authority.</p>

<p><b>A. 23.</b></p>	<p><b>Fitout of food stalls</b></p> <p>Before any building work commences, the person(s) with the benefit of this consent must submit to Council details of the typical construction and fitout of the temporary food stalls. Such details must demonstrate compliance with the Food Act 2003 and Regulation there under; the Food Standards Code and the Food Handling Guidelines for Temporary Events. The construction and fitout of the temporary food stalls shall be to the approval of Council's Environmental Health Officers.</p> <p>Food stall operators and the event's organiser must ensure there is a sufficient supply of electricity for food handling operations, particularly for hot and cold food holding and water heating. All electrical work should be undertaken by a licensed electrician and conform to AS3002-1985 'Electrical Installations-Shows and Carnivals'. Any gas bottles used for appliances should be secured so that it cannot be tipped over and should be pressure checked.</p> <p><b>Condition Reason:</b> To ensure that the fitout of food stalls, including the electricity and gas supply, accords with the relevant legislation.</p>
<p><b>A. 24.</b></p>	<p><b>Your Responsibilities as an Event Organiser</b></p> <p>An event organiser is defined as a legal entity responsible for the event, that is, the entity who has taken out public liability insurance for the event. In most cases, this would be the director(s) of the organisation or company holding the event. Legal liability and responsibility are not diminished if the event is a community or not-for-profit.</p> <p>The event organiser may or may not also be an employer. The employer has specific details and responsibilities under Work Health and Safety legislation. All event organisers have a duty of care to provide for a safe event.</p> <p>It is recommended that all event organisers have recognised skills and qualifications, although this is not currently a legal requirement. However, it is a legal requirement that event organisers obtain all relevant statutory and regulatory permits required to stage events in Woollahra Municipal Council.</p> <p><b>Condition Reason:</b> To ensure the event organiser is aware of their Work Health and Safety responsibilities and insurance obligations.</p>
<p><b>A. 25.</b></p>	<p><b>Application for the Location of All Structures and Infrastructure</b></p>
	<p>An application for the location of all temporary structures and infrastructure associated with the operation of the event must be submitted to Council's Open Space Management team at least two weeks prior to bump-in of the event</p>
	<p><b>Condition Reason:</b> To ensure the protection of Council infrastructure and assets.</p>
<p><b>A. 26.</b></p>	<p><b>Application for Vehicle Access to Public Open Space</b></p>
	<p>An application for vehicle access on public open space, for all vehicles associated with the operation of the event, must be submitted to Council's Open Space Management team at least two weeks prior to bump-in of the event.</p>
	<p><b>Condition Reason:</b> To ensure the protection of Council infrastructure and assets.</p>

A. 27.	<b>Application for the Parking of Vehicles on Public Open Space</b>
	An application for the parking of vehicles on public open space, for all vehicles associated with the operation of the event, must be submitted to Council's Open Space Management team at least two weeks prior to bump-in of the event.
	<b>Condition Reason:</b> To ensure the protection of Council infrastructure and assets.
A. 28.	<b>Park Hire Application</b>
	If development consent is granted, a park hire application and any other documentation required by Council must be submitted to Council's Open Space Management team and the appropriate fees and bonds must be paid at two weeks prior to bump-in of the event.
	<b>Condition Reason:</b> To ensure the protection of Council infrastructure and assets and ensure that all conditions of the development consent are adhered to and all fees and bonds have been paid.
A. 29.	<b>Promotion of the Use of Public Transport and Walking</b>
	Any event advertising is to promote patron use of Sydney Buses and Sydney Ferries and walking to access the event.
	<b>Condition Reason:</b> To mitigate parking and traffic related impacts upon the locality.
A. 30.	<b>Directions of Council Officers</b>
	Any direction of a Council officer is to be complied with. In this regard, it should be noted that Council reserves the right to refuse or limit any activity associated with the event if in its opinion, the activity is likely to cause damage, danger, nuisance or it is not in Council's interest.
	<b>Condition Reason:</b> To ensure compliance with any direction of Council officers.
A. 31.	<b>Tree Preservation</b>
	<p>All persons must comply with Chapter E.3 – <i>Tree Management</i> of Council's Development Control Plan (DCP) 2015, other than where varied by this consent. The DCP applies to any tree with a height greater than 5 metres or a diameter spread of branches greater than 3 metres.</p> <p>General Protection Requirements:</p> <ul style="list-style-type: none"> <li>a) All temporary structures, equipment, vehicles and perimeter fence must be located outside of the canopy drip line of all park trees.</li> <li>b) No vehicular movement is allowed under the canopy dripline of any park tree unless heavy duty ground protection track mats have been installed.</li> <li>c) All exposed tree surface roots must be avoided by traffic.</li> <li>d) Where this is not possible exposed roots must be protected by installing track mats on top of a layer of mulch (50mm). This is particularly important at the pinch point where the traffic path progresses between trees and superficial roots are visible.</li> <li>e) No tree pruning is permitted.</li> <li>f) No signs or other structures are to be attached to tree trunks or branches.</li> <li>g) No excavation is permitted within the canopy drip line of any park tree.</li> <li>h) Any damage to any part of a tree must be reported to Council's Tree Asset Officer for assessment to determine restorative treatment.</li> </ul>

	i) Any chairs to be used must have feet designed to minimise damage to the grassed surface. For eg. Triangle shaped feet
	<b>Condition Reason:</b> To protect trees during the temporary event.

**DEMOLITION WORK**

**B. BEFORE DEMOLITION WORK COMMENCES**

Nil.

**REMEDIATION WORK**

**C. ON COMPLETION OF REMEDIATION WORK**

Nil.

**BUILDING WORK**

**D. BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

Nil.

**E. BEFORE BUILDING WORK COMMENCES**

Nil.

**F. DURING BUILDING WORK**

Nil.

**G. BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

Nil.

**H. OCCUPATION AND ONGOING USE**

<b>H. 1.</b>	<p><b>Noise Control</b></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><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Council will generally enforce this condition in accordance with the Noise Guide for Local Government (<a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a>) and the NSW Industrial Noise Policy (<a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise">www.epa.nsw.gov.au/your-environment/noise/industrial-noise</a>) published by the NSW Environment Protection Authority. Other State Government authorities also regulate the Protection of the Environment Operations Act 1997.</li> <li>• Useful links:                         <ul style="list-style-type: none"> <li>- Community Justice Centres—free mediation service provided by the NSW Government <a href="http://www.cjc.nsw.gov.au">www.cjc.nsw.gov.au</a>.</li> <li>- NSW Environment Protection Authority— see “noise” section <a href="http://www.environment.nsw.gov.au/noise">www.environment.nsw.gov.au/noise</a>.</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>- 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 <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>.</li> <li>- Australian Acoustical Society—professional society of noise related professionals <a href="http://www.acoustics.asn.au">www.acoustics.asn.au</a>.</li> <li>- Association of Australian Acoustical Consultants—professional society of noise related professionals <a href="http://www.aaac.org.au">www.aaac.org.au</a>.</li> <li>- Liquor and Gaming NSW—<a href="http://www.liquorandgaming.nsw.gov.au">www.liquorandgaming.nsw.gov.au</a>.</li> </ul>
	<p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p>
<p><b>H. 2.</b></p>	<p><b>Noise from Mechanical Plant and Equipment</b></p> <p>During the occupation and ongoing use, the noise level measured at any boundary of the site at any time while the mechanical plant and equipment is operating must not exceed the background noise level. Where noise sensitive receivers are located within the site, the noise level is measured from the nearest strata, stratum or community title land and must not exceed background noise level at any time.</p> <p>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, 15 minute level measured by a sound level meter.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Words in this condition have the same meaning as in the Noise Policy for Industry (2017) <a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a> and Noise Guide for Local Government (2013) <a href="http://www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government">www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government</a></li> </ul>
	<p><b>Condition Reason:</b> To protect the amenity of the neighbourhood.</p>
<p><b>H. 3.</b></p>	<p><b>Operation of food stalls</b></p> <p>During the occupation and ongoing use:</p> <ol style="list-style-type: none"> <li>a) Food stall operators are required to handle food for sale for human consumption in accordance with the Food Standards 3.1.1, 3.2.2 and 3.2.3.</li> <li>b) Food stall operators and the event’s organiser must ensure there are adequately sized, enclosed rubbish bins at each food stall and adequate arrangements made to dispose of garbage contents at the end of the day.</li> <li>c) The event’s organizer should ensure that adequate toilet facilities for food handlers made available.</li> <li>d) Only potable water must be used for preparing food and for washing. Ice used for keeping food cool or adding to food or drink must also be potable.</li> <li>e) A fire extinguisher and fire blanket should be supplied in each stall where cooking or heating processes are undertaken. Such equipment should be easily accessible in the event of a fire.</li> <li>f) A sealed container of potable water with a tap should be provided at each stall, together with suitable bowls or containers for cleaning, sanitising and hand washing. Clean towels and detergent must be provided.</li> <li>g) A hand washing facility, separate from other facilities and used only for that purpose, must be provided. Warm water is needed for effective hand washing and personal hygiene. Hot and cold water must be delivered through a single outlet to a dedicated hand basin. Liquid soap and paper towels must be provided at or near the hand washing facility.</li> </ol>

- h) A suitable sanitising agent must be available for sanitising food handling implements and food contact surfaces.
- i) Foods that are required to be stored under temperature control, or kept frozen shall be kept under strict temperature control. Cold foods should be stored at or below 5 degrees celsius and hot food appliances such as bain maries and display cases should enable hot foods to be kept at or above 60 degrees Celsius at all times. Refrigeration facilities should be large enough to hold potentially hazardous foods under temperature control at all times.
- j) Potentially hazardous foods like poultry, meat, dairy products, seafood and egg-based products must be stored under temperature control. If the food is intended to be stored frozen, the food must remain frozen during storage and display.
- k) All food stall operators that handle potentially hazardous foods are required to have a readily accessible, accurate, probe-type thermometer. The thermometer must be cleaned and sanitised before it is used.
- l) Adequate measures must be taken by all food stall operators to prevent cross-contamination from raw foods to cooked foods by ensuring that there are separate utensils for cooked and raw meats, poultry and seafood; covering all food; keeping cooked meat and salads separate and washing hands after handling raw meats, raw poultry, raw seafood and raw vegetables.
- m) All food displayed by food stall operators shall be protected from likely contamination by customers, dust, fumes or insects by using plastic food wraps, sealed containers, sneeze barriers or food covers.
- n) Only single-use disposable eating and drinking utensils are permitted for use by food stall operators and must be protected from contamination until used.
- o) All packaging material must be suitable for food packaging and unlikely to cause food contamination. Only clean unprinted paper, food wraps or packaging must be used for wrapping or storing foodstuffs.
- p) The food stalls must be maintained to a standard of cleanliness where there is no accumulation of garbage or recycled matter, food waste, dirt, grease or other visible matter.
- q) Bench tops and surfaces of equipment in contact with food and storage appliances must be kept in a clean and sanitary condition to ensure food is unlikely to be contaminated.
- r) All pre-packaged products must be clearly labelled with a description of the food, the name and address of the supplier, product lot identification, a list of ingredients, date marking, storage conditions, nutrition information panel and characterising ingredient. The above requirements are outlined in more detail in the Food Standards Code available on the NSW Food Authority's website ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)).

**Condition Reason:** To ensure public health and safety.

**H. 4. Noise Control – Audio and Performers**

- Acoustic music shall be the only form of music played at the event.
- Neighboring businesses and residents are to be provided with a mobile number made available for any concerns regarding the level of noise arising from music.
- All music and performers are not to start before 10am and will cease by 4pm.
- Speakers are to be orientated away from local residents and businesses in order to minimize any adverse impact in terms of noise.

The audio/amplification system(s) shall be set at a volume prior to performances by way of a noise limiter. Noise emanating from the audio/amplification system(s) shall not exceed the background noise level by more than 5 dBA when measured at the boundary of any residential

**Condition Reason:** To protect the amenity of the neighbourhood.

<b>H. 5.</b>	<b>Sanitary Facilities</b>
	In addition to the existing public amenities permanently located within Robertson Park, additional port-a-loos shall be provided throughout the event duration to ensure that adequate sanitary facilities are provided for attending members of the public, stallholders and their staff as follows:  Male Patrons <3000: 6 WC, 15 Urinals, 10 Hand-Basins Female patrons <3000: 18 WC, 10 Hand-Basins
	<b>Condition Reason:</b> To protect public health and safety and the amenity of the area.
<b>H. 6.</b>	<b>Operation in Accordance with Event Traffic Management Plan</b>
	On the day of the event the applicant must ensure: a) The operation and management of the event shall be in accordance with the approved Event Traffic Management Plan. b) Emergency vehicle access must be maintained at all times. c) All authorised vehicular access to Steyne Park related to the the event shall be from Ocean Avenue, Double Bay. d) All stallholder parking should be directed to car park at 13 Cross Street, Double Bay and must not utilise on-street parking. e) Should a temporary footpath closure be sought, a separate application for a Permit to Stand Plant must be submitted to Council two (2) weeks prior to the event.
	<b>Condition Reason:</b> To maximise road safety and performance.

## SUBDIVISION WORK

### I. BEFORE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

Nil.

### J. BEFORE SUBDIVISION WORK COMMENCES

Nil.

### K. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil.

## LAND SUBDIVISION

### L. BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Nil.

## STRATA SUBDIVISION

### M. BEFORE ISSUE OF A STRATA CERTIFICATE

Nil.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

**For the Motion**

**Against the Motion**

Penelope Holloway  
Helen Lochhead  
Sandra Robinson

3/0

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<b>ITEM No.</b>	D2
<b>FILE No.</b>	DA204/2023/1
<b>ADDRESS</b>	2C & 4 Dumaresq Road Rose Bay
<b>PROPOSAL</b>	Alterations and additions to the existing dwelling house at 2C Dumaresq Road to form the western wing of the proposed dwelling house, the demolition of an existing residential flat building at 4 Dumaresq Road and the construction of the eastern wing of the proposed dwelling house including an attached double garage, the demolition of ancillary structures, the construction of replacement garaging, swimming pool and seawall incorporating water access stairs and landscaping works

**Note:** Late correspondence was tabled by Speiser Lawyers.

**Note:** David Spicer, on behalf of 6 Dumaresq Road, Rose Bay, Michael Kitmiridis - Michael Kitmiridis Architects, Paula Towers, Tony Moody on behalf of 855 New South Head Road Rose Bay and Chris Adams on behalf of 2B Dumaresq Road, Objectors and George Karavanas, Consultant Planner, Ann-Elise Hampton, Architect/Applicant, Brian Meyerson, Architect/Applicant, addressed the Panel.

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

THAT the Woollahra Local Planning Panel, exercising the functions of Council, defer the determination of Development Application No. 204/2024/1 for Alterations and additions to the existing dwelling house at 2C Dumaresq Road to form the western wing of the proposed dwelling house, the demolition of an existing residential flat building at 4 Dumaresq Road and the construction of the eastern wing of the proposed dwelling house including an attached double garage, the demolition of ancillary structures, construction of a replacement garage, vehicular turntable, swimming pool and seawall incorporating water access stairs, landscaping works and lot consolidation, for 7 days, to allow for the owners and representatives of 2B Dumaresq Road, to lodge any further written submission to the Panel.

The application will then be determined electronically by the Panel (as constituted on 7 November 2024) no later than 20 November 2024, unless otherwise decided by the Chair.

*Note: In accordance with the Woollahra Local Planning Panel Operational Procedures the votes are recorded on this planning matter.*

**For the Motion**

**Against the Motion**

Penelope Holloway  
Helen Lochhead  
Sandra Robinson  
Ronald Schaffer

4/0

There being no further business the meeting concluded at 2.15pm.

**We certify that the pages numbered 1 to 19 inclusive are the Minutes of the Woollahra Local Planning Panel (Public Meeting) Meeting held on 7 November 2024 and confirmed by all Panel members of the Woollahra Local Panel on 8 November 2024 as correct.**

**Chairperson**

**Secretary of Committee**

**Expert**

**Expert**

**Community Representative**