

Application Assessment Panel Minutes

Tuesday 16 January 2007

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Application Assessment Panel Minutes

**Minutes of the Meeting held on
Tuesday 16 January 2007 at 3.00pm**

Present: Application Assessment Panel:

T Tuxford (Manager – Compliance) (Chair)
W Hatton (Director – Technical Services)
M Zulaikha (Team Leader – Urban Design)

Staff: S Chambers (Assessment Officer)
M Karp (Team Leader – Governance)
M Kelly (Secretary – Administration)
T Wong (Senior Assessment Officer)

Apologies: Apologies were received and accepted from
C Bluett (Manager – Strategic Planning)

Late Correspondence

Late correspondence was submitted to the Panel in relation to Items: D3

Declarations of Interest

Nil

Items Decided by the Panel using its delegated authority (Items D1 to D5)

Item No: D1 Delegated to the Panel
Subject: **Confirmation of Minutes of meeting held on 9 January 2007**
Author: Marie Kelly, Secretary – Administration
File No: See Application Assessment Panel Minutes
Reason for Report: The Minutes of the Meeting of Tuesday 9 January 2007 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.

(Tuxford/Hatton)

Resolved:

That the Minutes of the Application Assessment Panel Meeting of 9 January 2007 be taken as read and confirmed.

D2 DA287/2006/2 – 87-91 New South Head Road, Vaucluse – Section 96 Application - New Juliet balcony and new window and Deletion of Condition 2 – 16/11/06

Note: Mr H Smyth, the Applicant and Mr N Stavrou, the Owner addressed the Panel.

(Hatton/Zulaikha)

Resolved: Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979

THAT Council, as the consent authority, modify development consent to Development Application No. DA 287/2006/2 for alterations and additions on land at 87-91 New South Head Road, Vaucluse, in the following manner:

The following condition to be inserted:

A.1 Approved Amended (s96) Plans and supporting documents

Those acting upon or under this amended consent must carry out all work and maintain the use and works in accordance with the approved plans and supporting documents listed in the original consent, as amended by the amended approved plans and supporting documents as submitted by the Applicant and to which is affixed a Council stamp “Approved Plans” listed below otherwise than modified by further condition(s). Where the plans relate to amendments, alterations or additions only those works shown in colour or highlighted are approved.

| Reference | Description | Author/Drawn | Date(s) |
|-----------|----------------------------|---|------------|
| 01A | Floor plans and Elevations | David E. Phillips & Associates Pty Ltd Architects | March 2006 |

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 80A(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)
Standard Condition: A6

Deletion of **Condition 2** of the development consent.

D3 DA154/2006/1 – 35 Hargrave Street, Paddington – Alterations and additions including rear studio – 27/03/06

Note: Late Correspondence from T Wong, Senior Assessment Officer, dated 16 January 2006, was noted.

Note: Mr P de Sa representing Objector, Mr F de Sa of 37 Hargrave Street, Paddington and Ms R L Rooke, the Owner and Mr S Crawford, the architect on behalf of the owner, addressed the Panel.

(Zulaikha/Hatton)

Resolved: Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant development consent to DA 154/2006/1 for alterations and additions including rear studio on land at 35 Hargrave Street, Paddington, subject to the following conditions:

1. Approved Plans

This consent relates to the work, shown in colour, on plans numbered DA-01B (dated 08/11/06), DA-02D (dated 10/11/06), DA-03B (dated 10/11/06), DA-04D (dated 10/11/06) and DA-05B (dated 10/11/06), drawn by Sam Crawford, all of which carry a Council stamp “*Approved DA Plans*” and the signature of a Council officer, except where amended by the following conditions.

2. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended and the *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail:

- (a) that the height and width of the rear dormer are limited to 1.88m and 1.33m respectively to comply with G5 and G6 under Part 5.2.1 of the Paddington Development Control Plan;
- (b) that the width of the three new windows on the southeast elevation are to be reduced to 0.4m;
- (c) that the three new windows on the southeast elevation are to be fitted with fixed and translucent glazing; and
- (d) the air-conditioning unit is to be relocated to the courtyard area on the ground floor and to comply with the noise requirements set out in **Condition No. 39** of this consent.

Note: The effect of this condition is that it requires design changes and/or further information to be provided with the *Construction Certificate* drawings and specifications to address specific issues identified during assessment under section 79C of the *Act*.

Note: Clause 146 of the *Regulation* prohibits the issue of any *Construction Certificate* subject to this condition unless the *Certifying Authority* is satisfied that the condition has been complied with.

Note: Clause 145 of the *Regulation* prohibits the issue of any *Construction Certificate* that is inconsistent with this consent.

3. Use of the new rear wing

The proposed new rear wing shall be ancillary to the dwelling house and shall not be used as a separate domicile to protect the amenity of the area.

4. Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979*, the erection of the building must not be commenced until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

5. Materials

Details of the colour, texture and substance of all external materials must be submitted to Council or the accredited certifier prior to the issue of a Construction Certificate and are to be to the satisfaction of an authorised Council assessment officer or the accredited certifier. For properties that are located in a Conservation Area or that are Heritage Items, the proposed materials must be to the satisfaction of Council's Heritage Officer.

6. Structural adequacy

A statement from a qualified practising Structural Engineer, certifying to the adequacy of the existing structural members, walls and footings to support the additional loads imposed by the proposed development, must be submitted with the Construction Certificate application.

This condition is imposed to ensure the structural integrity of the proposed building work.

7. Structural details

Structural engineering details and design calculations, prepared and certified by a qualified practising Structural Engineer, must be submitted with Construction Certificate application, for all reinforced concrete work, structural steel work, retaining walls, brick fences, shoring and underpinning, isolated piers, chimneys, parapets and other structural members.

This condition is imposed to ensure the structural integrity of the proposed building work.

8. Layout of buildings

The layout of all external walls, including retaining walls and contiguous piling must be checked and verified by survey prior to the commencement of construction to ensure that building construction complies with the development consent and does not encroach beyond the boundaries of the site.

9. Demolition, excavation and construction hours

Demolition, excavation and construction work must not take place outside the hours of 7.00am to 5.30pm Monday to Friday and 7.00am to 1.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays. Noise from construction activities associated with the development must comply with the guidelines contained in the NSW EPA *Environmental Noise Control Manual* Chapter 171.

10. Machine excavation

Excavation or removal of any materials involving the use of machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00 pm Mondays to Fridays, with regular breaks of 15 minutes each hour. This condition is imposed to ensure reasonable standards of amenity for occupants of neighbouring properties.

11. Levels

For the purpose of indicating relative levels in terms of Australian Height Datum and boundary clearances, and to ensure that building construction complies with the development consent, survey certificates must be provided to the PCA in respect of the building/s layout and ground floor level/s prior to pouring of concrete or laying of timber floor boards.

12. Building Inspections

The Applicant, Owner and Builder, jointly and severally, must ensure that they call their Principal Certifying Authority ("the PCA") to carry out such critical phase building inspections required by the PCA, the PCA Service Agreement and that the PCA is satisfied with the level of compliance achieved before the Builder proceeds to the next phase of construction. Ample notice of required inspections must be given to the PCA in accordance with the PCA Service Agreement. The Applicant, Owner and Builder must comply with the PCA Service Agreement (Service Contract) and any lawful direction given by the Principal Certifying Authority.

Note: It is the responsibility of the PCA to ensure that critical phase building inspections are undertaken in accordance with a PCA Service Agreement and issue to the Applicant, Owner and Builder appropriate Notice under Section 109L of the Environmental Planning & Assessment Act 1979 ("the Act") where any breach of this consent occurs. Failure of the PCA to issue such notice may result in Council taking action under Section 109V of the Act. Failure of the Applicant, Owner and Builder to comply with a PCA Service Agreement and comply with lawful directions of the PCA under this condition may result in Council issuing fines, notices, orders and commencing legal proceedings. Council will only enter into PCA Agreements with the Owner of the land being developed. Council, if appointed as the PCA, will report to the owner of the land being developed.

13. Occupation of premises

A person must not commence occupation or use of the whole or any part of a *new building* (within the meaning of section 109H (4) of the *Act*) unless an occupation certificate has been issued in relation to the building or part.

Note: *new building* includes an altered portion of, or an extension to, an existing building.

Note: In circumstance where the works do not relate to occupation the required *occupation certificate* is essentially a certificate of completion of the approved work.

14. Existing trees which must be retained

The following trees are to be retained on the site and protected during all works.

Trees on Private Property

| Council Reference No: | Species | Location | Dimension (Metres) |
|-----------------------|--|---|--------------------|
| 1 | <i>Bougainvillea glabra</i> Bougainvillea | Standing on 33 Hargrave St – Rear south east corner | 4 x 5 |

The Construction Certificate plans must include reference to the retention of the above mentioned trees and identify the trees by Councils reference number (Ref No:) and colour or shade them in the colour green for trees to be retained and yellow for trees to be transplanted.

15. Trees which may be pruned

This consent includes approval under Council's Tree Preservation to prune the following trees:

| Council Reference No: | Species | Location | Approved Works |
|-----------------------|--|---|---|
| 1 | <i>Bougainvillea glabra</i> Bougainvillea | Standing on 33 Hargrave St – Rear south east corner | Prune as required to clear new building alignment |

Pruning Approval of the above trees, is subject to all pruning works being undertaken by an experienced Tree Surgeon-Arborist with a minimum qualification of a Certificate in Arboriculture. All works undertaken are to be in accordance with Australian Standard AS 4373 – 1006 "*Pruning of Amenity Trees*" to ensure the preservation of the existing trees on the site.

16. Stormwater Management

A Stormwater Management Plan for the site must be submitted with the application for a Construction Certificate. This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Management Plan must be in accordance with Council's Draft Stormwater Drainage Management DCP (Draft Version 1, Public Exhibition Copy dated 23/08/2004). This is available from Council's website <http://www.woollahra.nsw.gov.au>. The plan must generally be in accordance with the drainage plans and documentation prepared by Sam Crawford Architects (Refer to Project No. 05.17 Dwg DA-07 dated January 2006).

Stormwater run-off from the proposed development must drain to the existing Council kerb inlet pit fronting the site in Hargrave Street. New drainage systems must be designed in accordance with Section 6 - "Connection to drainage system" of Council's Draft Stormwater Drainage Management DCP.

A detailed Stormwater Management Plan must be produced by a suitably qualified civil or hydraulic engineer. The plan must be at a scale of 1:100 and based on drainage calculations prepared in accordance with the Institute of Engineers Australia publication, *Australian Rainfall and Run-off, 1987* edition or most current version thereof. It must include (as appropriate for the site and determined by the Hydraulic Consultant):

- All pipe layouts, dimensions, grades, lengths and material specifications
- All invert levels reduced to Australian Height Datum (AHD)
- Location and dimensions and of all drainage pits
- Point of connection to Councils drainage infrastructure
- Overland flow paths over impervious areas.
- Copies of certificates of title, showing the creation or existence of private easements to drain water by gravity, if required.
- Subsoil drainage details (layout, grades, material), clean out points and discharge point.

17. Certification of Stormwater Drainage System

To ensure the completed stormwater system is adequately designed and constructed, the completed drainage system must be inspected and certified by a suitably qualified drainage engineer.

The certification must be submitted and approved by the Accredited Certifier prior to the issue of the final Occupation Certificate. The certification must be provided by a suitably qualified drainage engineer, stating;

- The drainage system has been installed in accordance with the drainage Conditions of Development Consent and relevant Australian Standards.
- That all drainage components are structurally adequate and have been installed in accordance with the relevant Codes and Standards and/or specifications.

18. Stockpiles

Stockpiles of topsoil, sand, aggregate, soil or other material must not be located on any drainage line or easement, natural watercourse, footpath or roadway, or within the dripline of any Street Tree. Stockpiles within the construction site must be protected with adequate sediment controls, in accordance with Council's Code for Sediment Control.

19. Location of building operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar must not take place on public roadways or footways or in any other location which could lead to the discharge of materials into the stormwater drainage system.

Footpaths, gutters and roadways must be swept regularly to keep them free from sediment.

20. Temporary disposal of roof water

Stormwater from any roof areas must be linked, via a temporary downpipe, to a Council approved stormwater disposal system immediately upon completion of the roof installation.

21. Disposal of site water during construction

The disposal of site water (includes groundwater, seepage, dewatering and stormwater trapped in excavations) must be in accordance with the requirements contained within Council's Guidelines For The Disposal Of Site Water During Construction. Disposal of site water to Council's stormwater system is not permitted unless an appropriate treatment method is provided. Proposed treatment methods are to be detailed and certified by an Environmental Engineer or suitable qualified professional and approved by Council's Drainage Engineer prior to implementation.

In the event of contaminated water, the applicant is advised to liaise with Sydney Water regarding a Trade Waste Agreement.

22. Construction Management

A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The plan must:-

a. describe the anticipated impact of the construction works on:

- local traffic routes
- pedestrian circulation adjacent to the building site
- and on-street parking in the local area, and;

b. describe the means proposed to:

- manage construction works to minimise such impacts,
- provide for the standing of vehicles during construction,
- provide for the movement of trucks to and from the site, and deliveries to the site, and;

c. show the location of:

- any site sheds and any anticipated use of cranes and concrete pumps,
- any areas of Council property on which it is proposed to install a Works Zone (Construction Zone),
- structures to be erected such as hoardings, scaffolding or shoring,
- any excavation.

The Plan must make provision for all materials, plant, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding, shoring or excavation need separate approval from Council. Standing of cranes and concrete pumps on Council property will need approval on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

23. Compliance with the construction management plan

All excavation, demolition and construction work and traffic movements must be carried out in accordance with the approved construction management plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on-site at all times and made available to the PCA or Council on request.

24. Site fencing

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

25. Repair of Damaged Infrastructure

If Council's infrastructure is damaged during the course of works, Council's Development Engineer must be notified and necessary repairs must be undertaken within the time stipulated by Council, to Council's specifications, and at no cost to Council. Works generally must be in accordance with the relevant clauses of the current edition of AUS-SPEC.

If work is not undertaken to the satisfaction of the Development Engineer with regard to time or quality, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

26. Payment of Long Service Levy, Security, Development Levy and Fees

The person(s) with the benefit of this consent must pay the following long service levy, security, development levy, and fees prior to the issue of any *construction certificate, subdivision certificate or occupation certificate*, as will apply.

The *certifying authority* must not issue any *Part 4A Certificate* until provided with the original receipt(s) for the payment of all of the following levy, security, contributions, and fees. Specifically

- a) prior to the issue of a *construction certificate*, where a construction certificate is required; or
- b) prior to the issue of a *subdivision certificate*, where only a subdivision certificate is required; or
- c) prior to the issue of an *occupation certificate* in any other instance.

| Description | Amount | Indexed | Council Fee Code |
|--|---|----------------|------------------|
| LONG SERVICE LEVY under Building and Construction Industry Long Service Payments Act 1986 | | | |
| Long Service Levy (Currently 0.35% of contract value – subject to change. Contact LSL Corporation to confirm current rate) | Contact LSL Corporation | No | |
| SECURITY under section 80A(6) of the Environmental Planning and Assessment Act 1979 | | | |
| Property Damage Security Deposit - Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates. | \$8,000 + Index Amount | Yes, yearly | T600 |
| DEVELOPMENT LEVY under Woollahra Section 94A Development Contributions Plan 2005 This plan may be inspected at Woollahra Council or downloaded from our website www.woollahra.nsw.gov.au | | | |
| Development Levy | \$3,500 + Index Amount | Yes, quarterly | T94 |
| INSPECTION FEES under section 608 of the Local Government Act 1993 | | | |
| Security Administration Fee | \$163 | No | T16 |
| TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES | \$11,663 Plus any relevant indexed amounts and long service levy | | |

How must the payments be made?

Payments must be made by:

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

The payment of a security may be made by a bank guarantee where:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) 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;
- c) 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; and
- d) 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.

How will a security and a section 94A levy be indexed?

To ensure that the value of a security and development levy are not eroded over time by increases in costs, the security and proposed cost of carrying out development (from which the development levy is calculated) will be indexed either annually or quarterly (see table above). Clause 3.13 of the Woollahra Section 94A Development Contributions Plan 2005 sets out the formula and index to be used in adjusting the s.94A levy.

Do you need HELP indexing the security, bond or levy?

Please contact our customer service officers. Failure to correctly calculate the adjusted security, bond or development levy will delay the issue of any Part 4A Certificate and could void any Part 4A Certificate (construction certificate, subdivision certificate, or occupation certificate).

Deferred periodic payment of section 94A levy under the Woollahra Section 94A Development Contributions Plan 2005

Where the applicant makes a written request supported by reasons for payment of the section 94A levy other than as required by clause 3.9, 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:

- a) the reasons given;
- b) whether any prejudice will be caused to the community deriving benefit from the public facilities;
- c) whether any prejudice will be caused to the efficacy and operation of this plan; and
- d) 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:

- a) the guarantee is by an Australian bank for the amount of the total outstanding contribution;
- b) 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;
- c) 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; and
- d) 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 outstanding component of the section 94A levy will be adjusted in accordance with clause 3.13 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.

27. Footpath levels

The existing footpath level and grade at the street alignment of the property must be maintained.

28. Protection of services

Prior to any excavation works, the location and depth of all services (telephone, cable TV, electricity, gas, water, sewer, drainage, etc.) must be ascertained. The developer must meet all costs of any adjustment, relocation or reinstatement of any services.

29. Support for Council roads, footpaths, drainage reserves, etc

Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of Council's Development Engineer, or certified as structurally adequate by the accredited certifier, before the commencement of the works.

Backfilling of excavations adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted prior to release of the Damage Security Deposit.

30. Ground anchors

The use of permanent ground anchors under Council land is not permitted.

Temporary ground anchors may be permitted, in accordance with Council's "Rock Anchor Policy", where alternative methods of stabilisation would not be practicable or viable, and where there would be benefits in terms of reduced community impact due to a shorter construction period, reduced disruption to pedestrian and vehicular traffic on adjacent public roads, and a safer working environment.

If temporary ground anchors under Council land are proposed, a separate application, including payment of fees, must be made to Council under Section 138 of the *Roads Act* 1993. Application forms and Council's "Rock Anchor Policy" are available from Council's web-site <http://www.woollahra.nsw.gov.au>. Approval may be granted subject to conditions of consent. Four weeks should be allowed for assessment.

31. Storage of materials and plant on Council's footpath

Building, excavation or demolition materials and plant must not be stored on Council's footpath and/or roadway unless prior written approval has been obtained from Council's Development Engineer.

32. Public footpaths

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of Council's document "Standard Specifications for Roadworks, Drainage and Miscellaneous Works dated Jan 2003.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Australian Standard AS1742-3 2002 "*Traffic Control Devices for Work on Roads*". Should the applicant propose to direct pedestrians onto the road pavement of a State road then an application is to be made to the RTA for a Road Occupancy Licence. Licence approval is to be submitted to Council.

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may carry out remedial works and deduct the cost from the Damage Security Deposit.

33. Encroachments

The survey plan has identified a significant encroachment of the existing rear boundary fence upon Council's property. This encroachment is to be removed with the proposed development not encroaching beyond the boundaries of the site. Following removal any disturbed areas of Council's property are to be restored to match the existing asset to Council's satisfaction.

Prior to the release of the Final Building Certificate a final Plan of Survey must be submitted and approved by the Accredited Certifier demonstrating that there are no encroachments beyond the site.

The Plan of Survey must be prepared and certified by a Registered Surveyor.

34. Compliance with the recommendations of the geotechnical and hydrogeological reports

The development works must be undertaken in accordance with the recommendations of the Geotechnical and Hydrogeological report prepared by Asset Geotechnical (Refer to Rprt No. 0894-A dated 23rd February 2006).

35. Dilapidation survey

A dilapidation survey of the following property and infrastructure must be conducted prior to any site work. The extent of the survey must cover the likely “zone of influence” that may arise due to excavation works, including dewatering and/or construction induced vibration. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

- No. 33 Hargrave Street
- No. 37 Hargrave Street

The Report must be completed and submitted to Council prior to the commencement of **any** demolition, excavation or construction works.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

36. Vibration Monitoring Program

Vibration resulting from construction activities can adversely affect surrounding property and infrastructure. To ensure that vibration created by the method of construction does not adversely impact on the existing building, surrounding property and infrastructure, a Vibration Monitoring Program must be implemented.

Prior to the issue of the Construction Certificate, the applicant must submit to the Accredited Certifier details of the proposed Vibration Monitoring Program. A qualified and practising geotechnical engineer must prepare the Vibration Monitoring Program and undertake all associated investigations. The Vibration Monitoring Program must be in accordance with the recommendations of the Geotechnical Report by Asset Geotechnical (Refer to Rprt No. 0894-A dated 23rd February 2006).

Details to be included in Vibration Monitoring Program to include:

- a) pre-set acceptable limits for the variation of:
 - settlement
 - deflection or movement of retaining mechanisms such as shoring and bracing and
 - vibration in accordance with AS 2187.2 1993 Appendix J, including acceptable velocity of vibration.
- b) the location and type of monitoring systems to be used
- c) the period of monitoring in terms of construction stages
- d) recommended hold points to allow for inspection and certification by a geotechnical engineer and
- e) a contingency plan should the pre-set acceptable limits be exceeded.

37. Compliance with the Vibration Monitoring Program

The Vibration Monitoring Program submitted as required by condition of consent must be implemented during excavation works on the site. All controls within the Program must be maintained at all times. A copy of the Program must be kept on site at all times and made available to the accredited certifier and Council officers on request.

A record of inspections, monitoring and activities associated with the Program must be submitted to the accredited certifier in report format prior to the release of the Occupation Certificate. A qualified and practising geotechnical engineer must prepare certification that all controls and activities within the Program have been maintained.

38. Structural Certification of excavation works and associated structures.

The following development works have been identified as possibly affecting the stability of surrounding property and structures during their construction;

Due to this, the excavation and construction of these development works must be overseen by an engineer. This is to ensure the stability of surrounding property / infrastructure is not adversely affected by the works.

Excavation, retention, underpinning and construction must be undertaken on-site by an excavation contractor with specialist excavation experience. A suitably qualified geotechnical or structural engineer, specialising in excavation, must supervise the excavation procedure.

This engineer is to provide certification to the Accredited Certifier, prior to issue of the final Occupation Certificate, that excavation, retention, underpinning and construction of all the excavation works stated above has been conducted:

- a. According to the relevant Australian Standards and Codes of Practice, and
- b. In a manner that does not compromise the structural integrity of all adjacent structures and property.

39. Noise from air conditioning unit

The air-conditioning unit is to be acoustically treated so that it is not audible beyond the boundary of the site. Details are to be provided with the application for a Construction Certificate.

40. Standard for demolition

All demolition work must be undertaken in accordance with the provisions of *Australian Standard AS2601-2001: The Demolition of Structures*.

41. Compliance with Building Code of Australia

- (a) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

- (b) This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188, of the *Environmental Planning and Assessment Regulation 2000*, subject to the terms of any condition or requirement referred to in Clause 187 (6) or 188 (4) of the Regulation.

42. Residential building work

- (a) Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates:

- in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor license number; and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
- in the case of work to be done by any other person:
 - (iii) has been informed in writing of the person's name and owner-builder permit number; or
 - (iv) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (a) (iv) above is prescribed by regulations under the *Home Building Act 1989*. As at the date on which this Regulation was Gazetted, that amount was \$5,000. As those regulations are amended from time to time, so that amount may vary.

- (b) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

43. Excavations and backfilling

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

44. Retaining walls and drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- (b) adequate provision must be made for drainage.

45. Support for neighbouring buildings

- (a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (i) must preserve and protect the building from damage; and
 - (ii) if necessary, must underpin and support the building in an approved manner; and
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this condition, allotment of land includes a public road and any other public place.

46. Protection of public places

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic on a public place to be obstructed or rendered inconvenient, or
 - (ii) building involves the enclosure of a public place;a hoarding or fence must be erected between the work site and the public place.
- (b) If necessary, an awning must be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (d) Any such hoarding, fence or awning must be removed when the work has been completed.

Note: Prior to the erection of any hoarding, fence or the like on any footpath or other property owned or controlled by Council, permission must be sought and obtained from Council and the prescribed rental fee paid.

47. Signs to be erected on building and demolition sites

- (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) stating that unauthorised entry to the work site is prohibited; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (b) Any such sign must be removed when the work has been completed.
- (c) This clause does not apply to:
 - (i) building work carried out inside an existing building; or
 - (ii) building work carried out on premises that must be occupied continuously (both during and outside working hours) while the work is being carried out.

48. Toilet facilities

- (a) Toilet facilities must 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.
- (b) Each toilet provided:
 - (a) must be a standard flushing toilet; and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
 - (iii) 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.
- (c) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (d) In this condition:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in Clause 95B of the Regulation.

approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the *Local Government (Approvals) Regulation 1993*.

public sewer has the same meaning as it has in the *Local Government (Approvals) Regulation 1993*.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

49. Residential building work over \$12,000 in value

Council must be provided with the following information prior to the commencement of any works;

- (a) the proposed builder's details (in writing); and
- (b) proof of payment of the required insurance premium pursuant to Part 6 of the *Home Building Act 1989*.

D4 DA541/2006/1 – 75 Drumalbyn Road, Bellevue Hill – Demolition of existing dwelling and construction of new two storey dwelling incorporating a basement level, swimming pool, landscaping and site works – 25/08/06

Note: This matter was called to the Development Control Committee Meeting of 22 January 2007 by Councillor Walker.

Reasons: Objectors concerns, bulk and scale, loss of views, FSR, footprint.

There being no further business the meeting concluded at 3.27pm.

We certify that the pages numbered 1 to 20 inclusive are the Minutes of the Application Assessment Panel Meeting held on 16 January 2007 and confirmed by the Application Assessment Panel on 23 January 2007 as correct.

Chairperson

Secretary