

# **Application Assessment Panel Minutes**

**Tuesday 13 February 2007**

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# Application Assessment Panel Minutes

**Minutes of the Meeting held on  
Tuesday 13 February 2007 at 3.05pm**

Present: Application Assessment Panel:

T Tuxford (Manager – Compliance) (Chair)  
C Bluett (Manager – Strategic Planning)  
W Hatton (Director – Technical Services)

Staff: R Hedstrom (Assessment Officer)  
M Kelly (Secretary – Administration)  
B Thomas (Assessment Officer)

Apologies: Apologies were received and accepted from  
Nil

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## **Late Correspondence**

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

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## **Declarations of Interest**

Nil

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**Items Decided by the Panel using its delegated authority (Items D1 to D3)**

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**Item No:** D1 Delegated to the Panel  
**Subject:** **Confirmation of Minutes of meeting held on 6 February 2007**  
**Author:** Marie Kelly, Secretary – Administration  
**File No:** See Application Assessment Panel Minutes  
**Reason for Report:** The Minutes of the Meeting of Tuesday 6 February 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.

**(Bluett/Tuxford)**

**Resolved:**

That the Minutes of the Application Assessment Panel Meeting of 6 February 2007 be taken as read and confirmed.

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**D2 DA371/2006 – 3 Holt Street, Double Bay – Alterations & additions to dwelling including new two storey rear wing & landscape works – 26/6/2006**

**Note:** Ms J Lakeman an objector of 1/20 Ocean Avenue, Double Bay and Secretary of the Body Corporate, Mr A Barnyak an objector of 11/22 Ocean Avenue, Double Bay and Ms M Merrylees of John Burgess Architects representing Ms A Booth an objector and owner of 4 units in the building at 5 Holt Street, Double Bay, addressed the Panel. Mr C Boston Town Planner, Mr B Kennedy the architect and Mr D McGregor solicitor for the Applicant, addressed the Panel.

**(Bluett/Hatton)**

**Resolved:**

THAT Development Application No. 371/2006 for alterations and additions to the dwelling, including new two storey rear wing and landscape works on land at No. 3 Holt Street, Double Bay, be deferred to a future meeting of the Application Assessment Panel to allow the Panel to seek clarification that access to the two existing car parking spaces at the rear of the site can be maintained if consent is granted to the proposal.

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**D3 DA738/2006 – 2-16 Bellevue Road, Bellevue Hill – Fitout of premises to facilitate its use as a dry cleaners – 24/10/2006**

**Note:** Mr A Davies the applicant addressed the Panel.

**Note:** The Panel amended Condition No. 5 (Payment of Long Service Levy, Security, Development Levy and Fees)

(Bluett/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 Development Application No. 738/2006 for fitout of premises to facilitate its use as a green friendly dry cleaners on land at 2-16 Bellevue Road Bellevue Hill, subject to the following conditions:

**1. Approved Plans**

The development must be carried out in accordance with plans for Shop 4, dated received 24<sup>th</sup> October 2006 drawn by Ray White Commercial Eastern Suburbs, 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. 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.

**3. 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.

#### 4. Hours of operation

The hours of operation are limited to the following:

Monday to Friday	7.30am-7.30pm
Saturday	8.00am-3.00pm
Sunday	Closed

#### 5. 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;

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

Description	Amount	Indexed	Council Fee Code
<b>LONG SERVICE LEVY</b> under Building and Construction Industry Long Service Payments Act 1986			
<b>Long Service Levy</b> Use Calculator: <a href="http://www.lspc.nsw.gov.au/levy_information/levy_information/levy_calculator.stm">http://www.lspc.nsw.gov.au/levy_information/levy_information/levy_calculator.stm</a>	Contact LSL Corporation or use their online calculator	No	
<b>SECURITY</b> under section 80A(6) of the Environmental Planning and Assessment Act 1979			
<b>Property Damage Security Deposit</b> - Making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates.	\$2000	No	T600
<b>INSPECTION FEES</b> under section 608 of the Local Government Act 1993			
<b>Security Administration Fee</b>	\$163	No	T16
<b>TOTAL SECURITY, CONTRIBUTIONS, LEVIES AND FEES</b>	\$2163 Plus any relevant indexed amounts and long service levy		

#### 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.

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

- 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;

- 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.

## 6. Fire safety

A schedule of all existing and proposed safety measures within the building must be submitted to Council with or before the application for a Construction Certificate.

## 7. Mechanical Ventilation or Air Conditioning Systems

The *Construction Certificate* plans and specifications, required to be submitted to the *Certifying Authority* pursuant to clause 139 of the *Regulation*, must detail all 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](#). 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*. This condition does not set aside the mandatory requirements of the *Public Health (Microbial Control) Regulation 2000* 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.

**Note:** Clause 98 of the *Regulation* requires compliance with the *BCA*. Clause 145 of the *Regulation* prevents the issue of a *Construction Certificate* unless the *Accredited Certifier/Council* is satisfied that compliance has been achieved. Schedule 1, Part 3 of the *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. Applicant's 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](#). Standard Condition C59 (Autotext CC59)

## 8. Trade Waste

The applicant seek permission from Sydney Water for connection to Sydney Water's sewerage system for the discharge of wastewaters from the proposed development. A copy of the Wastewater permit being forwarded to Council prior to occupation of the premises. The applicant is referred to *Trade Waste Processes Website* at [www.sydneywater.com.au](http://www.sydneywater.com.au).

## 9. Noise Emissions

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must be accompanied by a certificate from a *professional engineer* (acoustic engineer) certifying that noise from the operation of mechanical plant and equipment will not exceed the background noise level when measured at any boundary of the site. Where sound attenuation is required this must be detailed.

**Note:** Further information including lists of Acoustic Engineers can be obtained from:

**1. Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

**2. Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

Standard Condition: C62 (Autotext CC62)

## 10. Offensive Noise

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*.

**Reason:** This condition has been imposed to protect the amenity of the neighbourhood.

**Note:** Council will generally enforce this condition in accordance with the *Noise Guide for Local Government* (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the *Industrial Noise Guidelines* (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the *Protection of the Environment Operations Act 1997*.

**Useful links:**

**Community Justice Centres**—free mediation service provided by the NSW Government ([www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)).

**Department of Environment and Conservation NSW**, Noise Policy Section web page ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

**New South Wales Government Legislation** home page for access to all NSW legislation, including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Noise Control Regulation 2000* ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

**Australian Acoustical Society**—professional society of noise-related professionals ([www.acoustics.asn.au/index.php](http://www.acoustics.asn.au/index.php)).

**Association of Australian Acoustical Consultants**—professional society of noise related professionals ([www.aaac.org.au](http://www.aaac.org.au)).

## 11. Air Emissions

The use of the premises must not give rise to the emission of any air impurity or lead to the discharge of wastewaters causing “pollution” as defined in the *Protection of the Environment Operations Act 1997*.

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There being no further business the meeting concluded at 4.28pm.

*We certify that the pages numbered 1 to 8 inclusive are the Minutes of the Application Assessment Panel Meeting held on 13 February 2007 and confirmed by the Application Assessment Panel on 20 February 2007 as correct.*

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Chairperson

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Secretary