

**Annexure A****DETERMINATION OF APPLICATION FOR MODIFICATION OF  
DEVELOPMENT CONSENT****Modification Application No:** DA237/2022/2**Development Consent modified:** DA237/2022/1

**Description of development to be carried out under the consent (as previously modified):** Demolition of the existing dwelling and construction of a new residential flat building containing four units; associated swimming pool, landscaping and siteworks.

**Address and particulars of title of land on which development to be carried out:** 144 Bellevue Road, Bellevue Hill (Lot 1 DP981550)

**Description of modification to the development consent:** Internal and external modifications to the approved residential flat building.

**Determination:** The development consent is modified as follows:

1. Condition A.7 is to be inserted as follows:

**A.7 Approved Amended (section 4.55) 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 architectural plans and supporting documents listed below as submitted by the Applicant unless modified by any following condition.

Where the plans relate to alterations or additions only those works shown in colour or highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
A0009, Issue N	SITE PLAN	EMK Architects	2 May 2023
A0101, Issue N	GROUND FLOOR		
A0102, Issue N	LEVEL 01		
A0103, Issue N	LEVEL 02		
A0104, Issue N	LEVEL 03		

A0105, Issue N	ROOF PLAN		
A0201, Issue N	Elevation- Sheet 1		
A0203, Issue N	Elevations – Sheet 2		
A0204, Issue N	Elevations – Sheet 3		
A0205, Issue N	Elevations – Sheet 4		
A0301, Issue N	SECTIONS SHEET 1		
A0302, Issue N	SECTIONS SHEET 2		
A0303, Issue N	SECTIONS SHEET 3		
A0401, Issue N	Cut and Fill Plan		
34836Lrpt-rev3	Geotechnical Investigation Report	JK Geotechnics	16 May 2023
22B39-S2/lr	Structural Engineering letter	henry&hymas	12 May 2023
22B39-S4 {Rev 01}/lr	Structural Engineering letter	henry&hymas	11 December 2023
115877-CL	Fire Engineering letter	Jensen Hughes	11 December 2023
N0230082 - HLTR.01A	Fire Engineering Services letter	JN Responsive Engineering	11 December 2023
	SEPP65 Design Verification Statement	EMK Architects	8 November 2023
	BASIX Certificate No. 1730145M	BONNEFIN CONSULTING PTY LTD	13 December 2023
	NaTHERS certificate No. 0009132040	Certified Energy	13 December 2023

**Note:** Warning to Accredited Certifiers – You should always insist on sighting the original Council stamped approved plans. You should 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 plan.

**Note:** 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 (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A5 (Autotext AA5)

**(This condition is inserted by the Land and Environment Court in proceedings number 2023/00192603 on 10 January 2024 as part of DA237/2022/2)**

## 2. Condition C.9 is to be amended to read as follows:

### **C.9 Geotechnical and Hydrogeological Design, Certification and Monitoring**

Prior to the issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifier, a detailed geotechnical and hydrogeological report prepared by a Chartered Geotechnical Engineer with National Engineering Register (NER) credentials in accordance with Council's DCP and Councils document "*Guidelines for Preparation of Geotechnical and Hydrogeological Reports*" and Chapter E2 of Council's DCP. In particular, at least four cored

boreholes to be drilled to the depth of excavation. The report must include a Geotechnical / Hydrogeological Monitoring Program together with civil and structural engineering details for foundation retaining walls, footings, basement tanking, and subsoil drainage systems, as applicable, prepared by a professional engineer, who is suitably qualified and experienced in geotechnical and hydrogeological engineering.

These details must be certified by the professional engineer to:

- a) Provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact on adjoining property or public infrastructure.
- b) Provide appropriate support and retention to ensure there will be no adverse impact on surrounding property or infrastructure as a result of changes in local hydrogeology (behaviour of groundwater).
- c) Provide foundation tanking prior to excavation such that any temporary changes to the groundwater level, during construction, will be kept within the historical range of natural groundwater fluctuations. Where the historical range of natural groundwater fluctuations is unknown, the design must demonstrate that changes in the level of the natural water table, due to construction, will not exceed 0.3m at any time.
- d) Provide tanking to all below ground structures to prevent the entry of ground water/seepage water such that subsoil drainage/ seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 and E2.2.10 of Council's DCP.
- e) Provide a Geotechnical and Hydrogeological Monitoring Program that:
  - will detect any settlement associated with temporary and permanent works and structures,
  - will detect deflection or movement of temporary and permanent retaining structures (foundation walls, shoring bracing or the like),
  - will detect vibration in accordance with AS 2187.2-1993 Appendix J including acceptable velocity of vibration (peak particle velocity),
  - will detect groundwater changes calibrated against natural groundwater variations,
  - details the location and type of monitoring systems to be utilised,
  - details the pre-set acceptable limits for peak particle velocity and ground water fluctuations,
  - details recommended hold points to allow for the inspection and certification of geotechnical and hydrogeological measures by the professional engineer, and details a contingency plan.

Standard Condition: C40 (Autotext: CC40)

**(This condition is amended by the Land and Environment Court in proceedings number 2023/00192603 on 10 January 2024 as part of DA237/2022/2)**