

Annexure B**DETERMINATION OF APPLICATION FOR
MODIFICATION OF DEVELOPMENT CONSENT****Modification Application No:** DA-2/2017/6**Development Consent modified:** DA-2/2017**Description of development to be carried out under the consent (as previously modified):** Demolition of existing structures, consolidation of lots and construction of 7 storey mixed use development with basement car parking.**Address and particulars of title of land on which development to be carried out:** 1 & 9 Mona Road,
Darling Point NSW 2027
Lot 1 in DP 1278919 & Lot 3 in DP 171284**Description of modification to the development consent:** Relocation of AC condenser units to basement and ground floor levels, increase in height of the ground floor retail spaces, increase in the size of the balconies to units 6 and 15, relocation of plant equipment to retail plant room, modification of glazing and materials to front elevation and the construction of a roof floor terrace.**Determination:** The development consent is modified as follows (deletion in strikethrough and insertions in underline):

1. Delete Condition A.5 and amend as follows:

A.5 Approved Amended (section 4.55) 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 architectural approved plans to which is affixed a Council stamp "Approved" and supporting documents as submitted by the Applicant 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)
220689	Acoustic Assessment	PWNA	09/0/2023
<u>DA 2100</u>	<u>Basement Level 2</u>	<u>MHNDUnion (Rev G)</u>	10/02/2023
<u>DA 2101</u>	<u>Basement Level 1</u>		
<u>DA 2102</u>	<u>Ground Floor Plan</u>		
<u>DA 2103</u>	<u>Level 1 Floor Plan</u>		
<u>DA 2104</u>	<u>Level 2 Floor Plan</u>		
<u>DA 2105</u>	<u>Level 3 Floor Plan</u>		
<u>DA 2106</u>	<u>Level 4 Floor Plan</u>		
<u>DA 2107</u>	<u>Level 5 Floor Plan</u>		
<u>DA 2108</u>	<u>Level 6 Floor Plan</u>		

<u>DA 2109</u>	<u>Roof Plan</u>		
<u>DA 3000</u>	<u>Elevation North</u>		
<u>DA 3001</u>	<u>Elevation East</u>		
<u>DA 3002</u>	<u>Elevation South</u>		
<u>DA 3003</u>	<u>Elevation West</u>		
<u>DA 3004</u>	<u>Window Schedule</u>		
<u>DA 3100</u>	<u>Section A</u>		
<u>DA 3101</u>	<u>Section B</u>		
<u>DA 3102</u>	<u>Section C</u>		
<u>DA 3103</u>	<u>Section D</u>		
<u>DA 3104</u>	<u>Section E</u>		
<u>DA 3105</u>	<u>Section F</u>		
<u>DA 3106</u>	<u>Section G & H</u>		
<u>DA 3017</u>	<u>Section I & Internal N Elevation</u>		
<u>DA 6000</u>	<u>External Finishes Sheet 1</u>		
<u>DA 6001</u>	<u>External Finishes Sheet 1</u>		
<u>DA 9302</u>	<u>Unit 01 Terrace Privacy Screen</u>		
<u>DA 9303</u>	<u>Detail Stair Section</u>		
787131M_04	BASIX Certificate	NSW Planning, Industry and Environment	15/09/2022

Note: These plans and supporting documentation may be subject to conditions modifying the development imposed under section 4.17(1)(g) of the *Act* (refer to conditions which must be satisfied prior to the issue of any *Construction Certificate*.)

Standard Condition: A6 (Autotext AA6)

2. Delete Condition A.6
3. Delete Condition A.9
4. Condition C.1 is to be deleted and amended as follows:

C.1 Modification of Details of the Development (section 4.17(1)(g) of the Act)

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

a) Visual Privacy:

To protect the visual privacy of surrounding properties, in accordance with Objective O4 of Part D3.7 of the WDCP, 2015 the following privacy treatments must be made to the rear elevation of the proposed building:

- All privacy screens to be fitted on the rear elevation to windows/doors/terraces/balconies must be constructed from fixed angled louvers and are to be of a minimum height of 1.5m from the finished floor level.
- The proposed windows/doors (3W09) to Unit 15, (3W10) to Unit 16, (4W09, 4W10) to Unit 19, (4W11, 4W12, 4W13) to Unit 20, (5W09, 5W10) to Unit 21,

(5W11, 5W12, 5W13) to Unit 22, (6W09, 6W10) to Unit 23 must contain fixed translucent glazing to height of 1.5m from the finished floor level.

- A 1.5m high fixed angled louvre privacy screen must be installed to the proposed bedroom, study, kitchen and living room windows (4W15, 4W16, 4W17) to Unit 20, (5W15, 5W16, 5W17) to Unit 22.
- Fixed translucent glazed privacy screen to height of 1.5m from the finished floor level must be installed along the furthest rear edge to the rear balconies at Level 4 (Unit 20), Level 5 (Unit 22) and Level 6 (Unit 23). No screen is required in front of the tapered edges of these balconies.

b) Car parking details:

- i) Delete
- ii) Motorbike parking provision on the basement floor is to be minimum 4 spaces with a minimum dimension of 1.2m x 2.5m.
- iii) Bollards are to be provided in the shared area in the positions shown in Figure 2.2 and 2.3 as per AS/NZS 2890.6:2009 Clause 2.2.1.
- iv) Residential parking spaces in tandem must be allocated to a single unit, per tandem space;
- v) Commercial parking spaces in tandem must be allocated to employees of the retail tenancies;
- vi) Pavement marking must be provided for the waiting zone at the access point to ensure the waiting vehicle can stand wholly within the property boundary to allow another vehicle to manoeuvre off the site, as per B99 Vehicle Turning Path, referenced 21620, prepared by Varga Traffic Planning, dated 5 May 2022.

c) Roads and Maritime Services concurrence:

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the New South Head Road boundary.
2. The developer shall provide delineation in the form of C1 lane line marking on Mona Road on the departure from the intersection of New South Head Road for a distance of approximately 10-15m. In this regard, a detailed plan is to be submitted to show the C1 lane line marking in relation to the traffic signals. The plan shall be prepared by a suitably qualified practitioner and shall be in accordance with relevant Austroads and Roads and Maritime requirements. The plans shall be submitted to Roads and Maritime for approval prior to release of any Construction Certificates.

The applicant is to contact Roads and maritime Network and Safety Section on phone: (02) 8849 2367 or email developments.sydney@rms.nsw.gov.au for a works instruction prior to commencement of works. Any Roads and maritime fees shall be paid by the developer prior to commencement of works.

3. The redundant crossover on New South Head Road is to be removed and replaced with kerb and gutter to Roads and Maritime requirements.

The design and construction of the kerb and gutter on New south Head Road shall be in accordance with the Roads and Maritime

requirements.
and Maritime
Parramatta

Details of these requirements should be obtained from Roads
Services, Manager Developer Works, Statewide Delivery,
(telephone 9598 7798)

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and maritime.

4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
5. All demolition and construction vehicles are to be contained wholly within the site (or on Mona Road with no impact to the operations of the New South Head traffic signals) and vehicles must enter the site before stopping. A construction zone will not be permitted on New South Head Road.
6. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on New South Head Road during construction activities.
7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to: Suppiah Thillai: suppiah.thillai@rms.nsw.gov.au, Ph. 8849 2114.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. Should the post development storm water discharge from the site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site.

Details should be submitted to Suppiah Thillai:
suppiah.thillai@rms.nsw.gov.au, Ph. 8849 2114.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

9. All works and signposting associated with the subject development (including public utility adjustment/relocation works) shall be at no cost to Roads and Maritime.

d) **Deleted.**

e) **Reflectivity of Glazing:**

All external glazing shall be high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) in accordance with the Design Guidance in Objective 4A-3 of the Apartment Design Guide.

f) **Residential Condenser Units:**

To protect the acoustic privacy and the amenity of surrounding properties, in accordance with Objective O2 of Part D.3.7 and Control C9 and C10 of Part D3.10 of the WDCP, 2015, the eight (8) residential condenser units must be located within the ground floor plant room (to the rear of retail tenancy No.3) or internally within the building at ground floor level.

g) **Landscaping:**

To protect the landscape amenity of the locality, the proposed planters and the green roofs must be planted with drought tolerant, low maintenance plants. The proposed planter boxes (under the proposed awning) to the front of the retail level, must be fitted with an automatic irrigation system.

h) **Deleted:**

i) **Deleted**

j) **Deleted:**

k) **Condenser Units (Retail):**

To protect the acoustic privacy of surrounding properties and to ensure the efficient and safe movement of vehicles within the basement, the proposed retail condenser units must be located at Basement 1 Level. These condenser units are to be mounted to the wall and the underside of these units must allow for a minimum of 2.7m of head clearance.

l) **Water tank:**

To improve the sustainability of the proposed development, in accordance Control C2 of Part E2.2.2 of the WDCP, 2015 a rainwater tank connected to non-potable water uses, such as gardens must installed in accordance with the approved plans.

m) **Deleted:**

n) **Planting to Roof Terrace:**

To protect views obtained from surrounding properties, the plants to be accommodated within the planter located to the north-west of the roof terrace

access stair, must be a low level planting and have a maximum height at maturity of 500mm.

o) Mechanical Ventilation:

To protect the amenity of surrounding properties, the proposed mechanical ventilation system located on the Level 4 flat roof must be housed in a dark grey fibre cement enclosure.

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 4.15 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.

Standard Condition: C4 (Autotext CC4)

5. Condition C.12 is to be deleted and amended as follows:

C.12 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. 787131M_04 with the relevant application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit of a new BASIX Certificate to the Certifying Authority and Council. If any proposed change in the BASIX commitments are inconsistent with development consent (see: clauses 145 and 146 of the *Regulation*) the Applicant will be required to submit an amended development application to Council pursuant to section 4.55 of the *Act*.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans and specifications prior to the issue of any Construction Certificate.

Note: Clause 145(1)(a1) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a Construction Certificate for building work unless it is satisfied of the following matters: (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires".

Standard Condition: C7

6. Condition C.17 is deleted and amended as follows:

C.17 Sound Attenuation of the proposed plant equipment

The *Construction Certificate* plans and specification required to be submitted pursuant to clause 139 of the *Regulation* must detail the sound attenuation works required to the all the proposed plant equipment including and not limited to the lift plant, pool plant, condenser units and mechanical ventilation equipment to ensure that the noise level measured at any boundary of the site at any time while the proposed the plant equipment is operating will not exceed the *background noise level*.

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 $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

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).

Standard Condition: C61

7. Condition C.20 is deleted and amended as follows:

C.20 Flood Protection

The Construction Certificate plans and specifications, required by clause 139 of the Regulation, must include a Flood Risk Management Plan on the basis of the Flood Planning Level (FPL) detailing:

- a. A permanent flood risk management plan shall be installed in a prominent area of the basement carpark.
- b. A permanent flood risk management plan shall be installed in a prominent area of the residential lobby.
- c. A permanent flood risk management plans shall be installed in each of the retail areas.
- d. The entry to retail area two shall be protected by a mechanical flood barrier with the threshold set to the flood planning level determined by an engineer experienced in flood mitigation.
- e. The entry to retail area three shall be protected by a mechanical flood barrier with the threshold set to the flood planning level determined by an engineer experienced in flood mitigation.
- f. The entry to the residential lobby shall be protected by a mechanical flood barrier with the threshold set to the flood planning level determined by an engineer experienced in flood mitigation.
- g. Permanent brass plaques shall be mounted adjacent to all mechanical flood barriers explaining their purpose and operation.
- h. Flood compatible materials shall be used for all flood exposed construction.
- i. All flood exposed electrical wiring and equipment shall be waterproofed.
- j. All flood protection measures shall be inspected and certified as fit for purpose after construction is complete by an engineer experienced in flood mitigation.

8. Condition H.1 is deleted and amended as follow:

H.1 Fulfillment of BASIX Commitments – clause 154B of the Regulation

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 787131M_04.

Note: Clause 154B(2) of the *Environmental Planning and Assessment Regulation 2000* provides: "A certifying authority must not issue a final Occupation Certificate for a

BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."
Standard Condition: H7 (Autotext HH7)

9. Condition I.1 is deleted and amended as follows:

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 787131M_04.

Note: This condition affects successors in title with the intent that environmental sustainability measures must be maintained for the life of development under this consent.
Standard Condition: I24

10. Condition I.17 is added to state the following:

I.17 Furniture and Shade Structures/Devices:

To protect the views obtained from surrounding properties, the proposed roof terrace must not contain any shade structures/devices. All furniture located on this roof terrace must not exceed 1m in height, above the finished floor level of the roof terrace.

11. Condition I.18 is added to state the following:

I.18 Acoustic Certification of Mechanical Plant and Equipment

The Occupation Certification must be accompanied by a certificate from a professional engineer (acoustic engineer) certifying that the noise level measured at any boundary of the site at any time while the proposed mechanical plant and equipment is operating will 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.

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.

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

2. Association of Australian Acoustical Consultants—professional society of noise related professionals www.aaac.org.au.

12. Condition I.6 is deleted and amended as follows:

I.6 Noise from Mechanical Plant and Equipment

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.

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 $L_{A90, 15 \text{ minute}}$ level measured by a sound level meter.

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

Note: Words in this condition have the same meaning as in the *Noise Policy for Industry* (2017) [www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)) and *Noise Guide for Local Government* (2013) www.epa.nsw.gov.au/your-environment/noise/regulating-noise/noise-guide-local-government
Standard Condition: I59