

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: DA2017/404/5

Development Consent modified: DA2017/404/1

Description of development to be carried out under the consent (as previously modified): Demolition of an existing dual occupancy and construction of a new seniors housing development comprising 7 self-contained units, basement level car parking and associated landscaping works

Address and particulars of title of land on which development to be carried out: 63 New South Head Road, Vaucluse - Lot 7 in DP 9395

Description of modification to the development consent: Internal and external modifications to the approved seniors housing development including extensions to basement and lower ground levels.

Determination: The development consent is modified as follows:

1. Insert new conditions A.9, A.10, C.23 as follows:

A.9 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)
DA_102 (Rev 9)	Proposed External Finishes	GCCV Pty Ltd	13/12/2022
DA_111 (Rev 9)	General Arrangement Plan – Basement		13/12/2022
DA_112 (Rev 12)	General Arrangement Plan – Ground Lower		20/12/2022
DA_113 (Rev 11)	General Arrangement Plan – Ground Upper		13/12/2022
DA_114 (Rev 11)	General Arrangement Plan – Level 1		13/12/2022
DA_115 (Rev 11)	General Arrangement Plan – Level 2		13/12/2022
DA_116 (Rev 9)	General Arrangement Plan – Roof		13/12/2022
DA_200 (Rev 12)	Overall Building Elevations		13/12/2022
DA_201 (Rev 12)	Overall Building Elevations		13/12/2022
DA_300 (Rev 13)	Overall Building Sections		13/12/2022
30663BN2rpt Rev1	Geotechnical Report	JK Geotechnics	14/04/22
8355 C.07-Issue 4 C.08-Issue 1 C.09-Issue 3 C.10-Issue 3	Stormwater Management Plans	Birzulis Associates	19/05/22
			12/04/22
			12/04/22
			12/04/22
Plan No.s Sheet 1/DD-6 – Sheet 7/DD-6	Landscape Plan	Paul Bangay	26/04/2022
1366261M	BASIX Certificate	NSW Department of Planning and Environment	17/01/23

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)

A.10 No Underpinning works

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.

C.23 Engineer Certification

This development consent does NOT give approval to any works outside the boundaries of the subject property including any underpinning works to any structures on adjoining properties and Council's property.

Any structural design is not to incorporate any temporary or permanent underpinning works or ground anchors, bolts, etc which encroach outside the boundaries of the subject property. Engineer certification to this effect shall be submitted to the Certifying Authority prior to issue of any amended Construction Certificate.

2. Amend Conditions A.3, C.1, C3, C.7, C.14, E.27, E.28, G.2, H.1, I.2 to read as:

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 architectural plans to which is affixed a Council stamp "Approved" 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)
853719M_02	BASIX Certificate	NSW Department of Planning & Environment	05/09/2018
DA-02 Rev.E	Basement Floor Plan	MHNDU	03/09/2018
DA-03 Rev.E	Lower Ground Floor Plan		
DA-04 Rev.E	Upper Ground Floor Plan		
DA-05 Rev.E	First Floor Plan		
DA-06 Rev.E	Second Floor Plan		
DA-07 Rev.E	Roof Plan		
DA-08 Rev.E	Section A & B		
DA-09 Rev.E	North and South Elevation		
DA-10 Rev.E	East and West Elevation		
DA-14 Rev.E	Driveway Sections		

DA-23 Rev.E	East and West Elevations at Boundary		
DA-12 Rev.A	External Finishes		25/08/2017
D01 – Rev. D	Stormwater Plans	NB Consulting Engineers	04/09/2018
D02 – Rev. D			
D03 – Rev. D			
D04 – Rev. D			
D05 – Rev. D			
D06 – Rev. D			
D07 – Rev. D			
30663SMrpt	Geotechnical Report	JK Geotechnics	26/07/2017
30663SM Let1	Geotechnical Addendum		03/09/2018
17.442r02v05	Traffic report	Traffix	5/09/2018
Sheet 1 of 6	Draft Strata Plans	Eric Scerri	23/08/2018
Sheet 2 of 6			
Sheet 3 of 6			
Sheet 4 of 6			
Sheet 5 of 6			
Sheet 6 of 6			
L_101 (Issue D)	Landscaping Plans	Elke Haege	28/09/2018
L_102 (Issue B)			02/09/2018
L_501 (Issue B)			
1707_A (Rev.A)	Arboricultural Assessment Report		17/08/2018
1707_a (Rev.D)	Root Mapping Report		26/07/2018
1707_a (Rev.A)	Arboricultural Addendum Information		28/09/2018
Arb601 & 602 (Issue E.)	Arboricultural Retention Rating and Impact Plan		
PRO-01428-K7V6	BCA & Access Compliance Report	Building Innovations Australia	29/08/2017
Attachment 1	Site Waste Minimisation and Management Plan	Luke Buttenshaw	23/08/2017

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 80A(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

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) In order to ensure visual privacy to adjoining properties, the south-facing window of bedroom 2, in Unit 7 must incorporate non-operable obscured glazing to a height of 1.5m from finished floor level.
- b) **Amended landscape plan. The submitted landscape plan shall be amended to include soft landscaping in the footprint of the deleted**

substation in the front of the subject property prior to the issue of the construction certificate.

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

Standard Condition: C4

C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No. 1366261M with any application for a Construction Certificate.

Note: Where there is any proposed change in the BASIX commitments the Applicant must submit 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

C.7 Provision for Energy Supplies

The Applicant must provide to the Certifying Authority a letter from Ausgrid setting out any Ausgrid's requirements relative to the provision of electricity/gas supply to the development.

Any required electricity pillar and/or substation must be located within the boundaries of the site. Where an electricity pillar and/or electricity substation

required within the site but no provision has been made to place it within the building and such substation has not been detailed upon the approved development consent plans an application under section 4.55 of the *Act* is required to be submitted to Council. Council will assess the proposed location of the required electricity pillar and/or substation.

The Construction Certificate plans and specifications, required to be submitted pursuant to clause 139 of the *Regulation*, must detail provisions to meet the requirements of Ausgrid.

Where the electricity pillar and/or substation is required, the Construction Certificate plans and specifications must provide:

- a) A setback not less than 3m from the road boundary and dense landscaping of *local native plants* to screen the electricity pillar and/or substation from view within the streetscape.
- b) A setback not less than 3m from any other site boundary (fire source feature) and not within the areas required to be kept clear of obstructions to vehicle visibility pursuant to clause 3.2.4 of AS2890.1-1993(See: Figures 3.2 and 3.3).
- c) A setback to and not within the drip line of any existing tree required to be retained.
- d) A setback not less than the 10m from any NSW Fire Brigade booster connection as prescribed by clause 5.6.3(d)(iii) of AS 2419.1-1994 or be separated from any booster connections by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2 m each side of and 3 m above the upper hose connections in the booster assembly pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994, and
- e) The Owner shall dedicate to the appropriate energy authority, free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established, if required. The size and location of the electricity pillar and/or substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road reserve.

Note: If the electricity pillar and/or substation is not located within the building its location, screening vegetation, all screen walls or fire separating walls must have been approved by the grant of development consent or amended development consent prior to the issue of any *Construction Certificate* for those works. Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Certifying Authority prior to issue of the Construction Certificate. The Certifying Authority must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Note: This condition has been imposed because the application fails to provide sufficient detail (either by plans or by the Statement of Environmental Effects) demonstrating that provision has been made to Energy Australia's

satisfaction for the provision of electricity supply to the building. Nevertheless, Council has no reason to believe that provision cannot be reasonably made for electricity to service the development.

Note: Where it is proposed to shield any booster connection or any building from any electricity pillar and/or substation pursuant to clause 5.6.3(c)(ii) of AS 2419.1-1994 or by fire resisting construction under the BCA respectively and this construction has not been detailed upon the approved development consent plans such works should be considered inconsistent with consent pursuant to clause 145 of the *Regulation*. The Applicant must lodge with Council details for any such construction pursuant to section 4.55 of the *Act* to allow assessment under section 4.15 of the *Act*.

Note: Electricity pillar and/or Substations must not be located within the minimum sight distance at driveway entrances under Australian Standard AS/NZS 2890 (Set)-2004 *Parking Facilities Set whether such driveways service the site or any adjoining land*.

Standard Condition: C21

C.14 Stormwater Management Plan

Prior to issue of the relevant Construction Certificate, detailed *Stormwater Management Plan* prepared by a suitably qualified and experienced civil engineer shall be submitted for approval by the Certifying Authority. The *Stormwater Management Plan* must detail:

- a) General design in accordance with stormwater management plans, referenced 8355, prepared by Birzulis Associates, dated 19/05/22 and 12/04/2022, other than amended by this and other conditions;
- b) All below ground structures are to be fully tanked. No subsoil drainage/seepage water is NOT collected and discharged to the kerb and gutter to comply with Chapter E2.2.5 of Council's DCP; Notation to this effect shall be clearly depicted on the drawings;
- c) Any proposed stormwater pipes across the nature strip must have a minimum grade of 1% to comply with Clause 6.3.4 of AS3500.3;
- d) The discharge of stormwater from the site to the kerb and gutter located within the frontage of the site by gravity;
- e) The installation of minimum 4 x SF30 "SPEL" Cartridges filters stormwater treatment system;
- f) MUSIC modelling results shall be included in the stormwater management plans demonstrating compliance with the water quality targets stipulated in Chapter E2.2.3 of Council's DCP;
- g) All drainage pits must comply with Clause 7.5.2.1 of AS3500.3;
- h) Compliance with the objectives and performance requirements of the BCA;
- i) General compliance with the Council's Woollahra DCP 2015 Chapter E2 – Stormwater and Flood Risk Management;

OSD Requirements

The installation of an on-site detention (OSD) system with the minimum Site Storage Requirements ("SSR") of 39.65m³. The total Permissible Site Discharge (PSD) must not exceed 24l/s.

The *Stormwater Management Plan* must also include the following specific requirements:

Layout plan

A detailed drainage plan at a scale of 1:100 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:

- a) All pipe layouts, dimensions, grades, lengths and material specification,
- b) Location of proposed rainwater tanks,
- c) All invert levels reduced to Australian Height Datum (AHD),
- d) Location and dimensions of all drainage pits,
- e) Point and method of connection to Councils drainage infrastructure, and
- f) Overland flow paths over impervious areas.

On-site Detention (OSD) details:

- a) Any potential conflict between existing and proposed trees and vegetation,
- b) Internal dimensions and volume of the proposed detention storage,
- c) Diameter of the outlet to the proposed detention storage basin,
- d) Plans, elevations and sections showing the detention storage basin invert level, centre-line level of outlet, top water level, finished surface level and adjacent structures,
- e) Details of access and maintenance facilities,
- f) Construction and structural details of all tanks and pits and/or manufacturer's specifications for proprietary products,
- g) Details of the emergency overland flow-path (to an approved Council drainage point) in the event of a blockage to the on-site detention system,
- h) Non-removable fixing details for orifice plates where used,

Where any new Stormwater Drainage System crosses the footpath area within any road, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council for those works prior to the issue of any Construction Certificate.

All Stormwater Drainage System work within any road or public place must comply with Woollahra Municipal Council's *Specification for Roadworks, Drainage and Miscellaneous Works* (2012).

Note: This Condition is imposed to ensure that site stormwater is disposed of in a controlled and sustainable manner.

Note: The collection, storage and use of rainwater is to be in accordance with *Standards Australia HB230-2008 "Rainwater Tank Design and Installation Handbook"*.

Standard Condition: C.51 (Autotext CC51)

E.27 Tree Preservation

All persons must comply with Council's Development Control Plan (DCP) 2015, Chapter E.3 Tree Management 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.

General Protection Requirements

- a) The TPZ must be maintained during all development work unless otherwise specified within these conditions of consent.
- b) Excavation must cease where tree roots with a diameter exceeding 50mm are exposed. The *principal contractor* must procure an inspection of the exposed tree roots by an arborist with a minimum AQF Level 5 qualification. Excavation must only recommence with the implementation of the recommendations of the arborist.
- c) Where there is damage to any part of a tree the *principal contractor* must procure an inspection of the tree by a qualified arborist immediately. The *principal contractor* must immediately implement treatment as directed by the arborist. The arborist is to supply a detailed report to the appointed certifier.

Note: Trees must be pruned in accordance with *Australian Standard AS 4373 "Pruning of Amenity Trees"* and *WorkCover NSW Code of Practice Amenity Tree Industry*.

E.28 Replacement/Supplementary trees which must be planted

Any replacement or supplementary tree shall be grown in accordance with Tree stock for landscape use (AS 2303:2015). The replacement tree shall be planted in a *deep soil landscaped area* and maintained in a healthy and vigorous condition. If the replacement tree is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's Tree Preservation Order, it must be replaced with another of the same species which complies with the criteria outlined below.

Species/Type	Planting/Location	Container Size/Size of Tree (at planting)	Minimum Dimensions at Maturity (metres)
3 x <i>Juniperus chinensis</i> 'Spartan' (Chinese Juniper)	In accordance with Landscape Plan No.s Sheet 1/DD-6 – Sheet 7/DD-6, designed by Paul Bangay, dated 26/04/2022	45 litre each	5 x 1 each
2 x <i>Lagerstroemia indica</i> x <i>L. fauriei</i> ('Natchez')		100 litre each	6 x 4 each
1 x <i>Magnolia grandiflora</i> 'Exmouth' (Bull Bay Magnolia)		100 litre	12 x 6
4 x <i>Howea forsteriana</i> (Kentia palm)		100 litre each	5 x 3 each
45 x <i>Syzygium australe</i> (Brush Cherry Lillypilly) – hedges		100 litre each	6 metres height

The project arborist shall document compliance with the above condition.

G.2 Electricity Pillar and/or Substations – Dedication as Road and/or Easements for Access

If an electricity pillar and/or substation is required on the site the owner must dedicate to the appropriate energy authority (to its satisfaction), free of cost, an area of land adjoining the street alignment to enable an electricity pillar and/or substation to be established. The size and location of the electricity pillar and/or substation is to be in accordance with the requirements of the appropriate energy authority and Council. The opening of any access doors must not intrude onto the public road (footway or road pavement).

Documentary evidence of compliance, including correspondence from the energy authority is to be provided to the Principal Certifier prior to issue of the Construction Certificate detailing energy authority requirements.

The Accredited Certifier must be satisfied that the requirements of energy authority have been met prior to issue of the Construction Certificate.

Where an electricity pillar and/or substation is provided on the site adjoining the road boundary, the area within which the electricity pillar and/or substation is located must be dedicated as public road. Where access is required across the site to access an electricity pillar and/or substation an easement for access across the site from the public place must be created upon the linen plans burdening the subject site and benefiting the Crown in right of New South Wales and any statutory corporation requiring access to the electricity pillar and/or substation.

Standard Condition: G4 (Autotext GG4)

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

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 1366261M.

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

I.2 Maintenance of BASIX Commitment

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1366261M.

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