

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Modification Application No: DA2021/419/2

Development Consent modified: DA2021/419/1

Description of development to be carried out under the consent (as previously modified): Demolition of existing structures and construction of a new dwelling house with basement carparking, swimming pool and cabana; and associated landscaping.

Address and particulars of title of land on which development to be carried out: 44 Hopetoun Avenue, Vaucluse - Lot 34, Sec 7 in DP 9245.

Description of modification to the development consent: Internal and external modifications to the approved new dwelling.

Determination: The development consent is modified as follows:

1. Insert new Conditions A.7 and I.5 as follows:

A.7 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 and supporting documents as submitted by the Applicant listed below otherwise than modified by further condition(s).

Where the architectural plans relate to amendments only those highlighted are approved.

Reference	Description	Author/Drawn	Date(s)
A100 Rev 17	Site Plan	Core Collective Architects	26/9/22
A-130 Rev 22	Floor Plans – Lower Ground		4/4/2023
A-131 Rev 21	Floor Plans – Ground		4/4/2023
A-132 Rev 21	Floor Plans – Level 1		4/4/2023
A-133 Rev 16	Floor Plans – Roof		26/9/22
A-200 Rev 15	Elevations		4/4/2023
A-201 Rev 17	Elevations		4/4/2023
A-202 Rev 14	Elevations		4/4/2023
A-203 Rev 9	South Elevation Coloured		26/9/22
A-300 Rev 13	Sections		26/9/22
A-301 Rev 11	Sections		28/4/2023
A-302 Rev 10	Cabana Sections		28/04/2023
A-900 Rev 07	Materials Palette		26/9/2022

LD-DD-01 (REV A) LD-DD-107 (REV A) LD-DD-112 (REV A) LD-DD- 113 (REV A) LD-DD-114 (REV A)	Landscape Plans	Common Grounds Landscape Architecture	05/04/2023
No.1234804S_ 03	BASIX Certificate	NSW Department of Planning and Environment	24 September 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)

I.5 Ongoing Management of Approved Landscaping

All approved landscaping as detailed in the landscape plans prepared by Common Grounds Landscape Architecture, Drawings LD-DD-01, LD-DD-107, LD-DD-112, LD-DD-113, LD-DD-114, Rev A, dated 5/4/2023 must be retained and maintained at the subject site.

This condition has been imposed to ensure the ongoing maintenance of the approved landscaping.

2. Amend Conditions A.3, A.6, C.1, C.3, H.1 and I.1 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)
A-100 Rev 13	Site Plan	Core Collective Architects	21/6/22
A-110 Rev 08	Demolition Plan		17/6/22
A-130 Rev 14	Floor Plans – Lower Ground		17/6/22
A-131 Rev 13	Floor Plans – Ground		17/6/22
A-132 Rev 14	Floor Plans – Level 1		17/6/22
A-133 Rev 13	Floor Plans – Roof		21/6/22
A-200 Rev 09	Elevations		21/6/22
A-201 Rev 10	Elevations		21/6/21
A-202 Rev 08	Elevations		17/6/22
A-203 Rev 06	South Elevation Coloured		22/6/22
A-300 Rev 10	Sections		21/6/22
A-301 Rev 04	Sections		17/6/22
A-302 Rev 03	Cabana Sections		22/6/22
A-303 Rev 04	Main Wing Sections		22/6/22
A-900 Rev 04	Materials Palette		22/6/22
1234804S_02	BASIX Certificate	NSW Department of Planning & Environment	07 Apr 2022

CG21-0400-A Rev 0	Geotechnical Report	Core Geotech	10/09/2021
20210299 Rev C	Stormwater Management Plan	SGC Consulting Engineers	12/10/2021
No. A-1000 Rev 05	Landscape Plan	Core Collective Architects	21/6/2021
AIA-21-573	Arboricultural Impact Assessment Report	Matthew Reed	13/9/2021
Version:1.0	Construction, Site Waste Minimisation & Management Plan	Myriad Consulting	Sep 2021

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)

A.6 Development Consent is Not Granted in Relation to these Matters

This approval does not give consent to use the roof over the lower ground floor outbuilding and cabana as a trafficable area. Access may only be permitted for maintenance purposes.

Standard Condition: A9 (Autotext AA9)

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) ~~To ensure the swimming pool does not result in an unacceptable presentation to surrounding properties and to comply with the Woollahra Development Control Plan 2015 Part B3.7.4 – Swimming Pools Objective O1, the proposed swimming pool at the lower ground floor must incorporate landscape screening to a~~

minimum height of 2.5m above ground level (existing) along its northern and western edge as shown in Diagram 1 below.

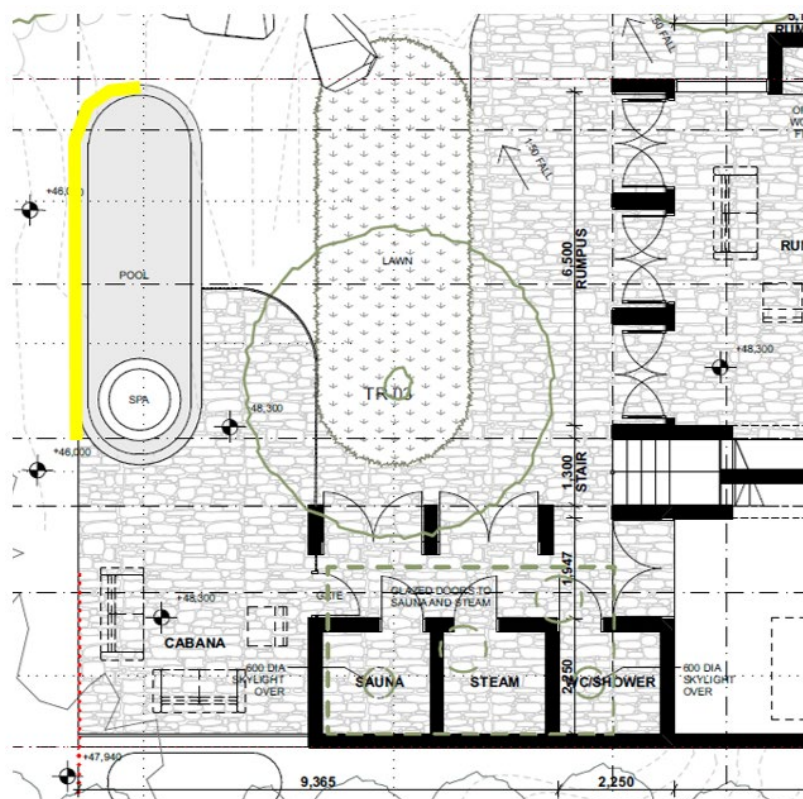


Diagram 1—Extent of screen planting to a minimum height of 2.5m above ground level (existing) required along the western and northern edges of the proposed swimming pool at the lower ground level as shown in yellow.

- b) In order to adequately protect the health and amenity of the locality and to comply with the Woollahra Development Control Plan 2015 Part B3.7.3 Objective O9 and Control C10, all new proposed fireplaces are to burn non-solid fuel only.
- c) The plans must indicate all boundary fence sections within the TPZ of trees to be retained to be constructed on a pier and beam system, without continuous excavation, to avoid damage to roots over 50mm in diameter.
- d) The planter beds to the green roof of the lower ground floor outbuilding and cabana are to not exceed RL51.900.

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)

C.3 BASIX Commitments

The Applicant must submit to the Certifying Authority BASIX Certificate No.1234804S_0203 with any 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

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

All BASIX commitments must be effected in accordance with the BASIX Certificate No. 1234804S_0203.

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)

I.1 Maintenance of BASIX Commitments

All BASIX commitments must be maintained in accordance with the BASIX Certificate No. 1234804S_0203.

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