

Annexure A

DETERMINATION OF APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

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| Modification Application No: | DA/416/2021/2 |
| Development Consent modified: | DA-416/2021/1 |
| Description of development to be carried out under the consent (as previously modified): | Seniors housing development comprising the adaptive reuse of the existing dwellings on the site and alterations / additions to the dwellings to accommodate 6 units and multi-level underground parking. |
| Address and particulars of title of land on which development to be carried out: | Lot 3 in DP316390 and Lot B in DP186880 and Lot 1 in DP135110 also known as Nos.53 and 55 Drumalbyn Road, Bellevue Hill |
| Description of modification to the development consent: | Internal and external modification to the approved seniors housing development, including the addition of one unit |

Determination: The development consent is modified as follows:

1. The addition of the following condition:

A.6 Approved Amended (section 4.56) 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 | Date | Rev |
|-----------|-----------------|-------------------------|------------|-----|
| S4.56 031 | Demolition Plan | Bureau SRH Architecture | 28/03/2023 | A |

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|-----------|---|--|------------|----------|
| S4.56 033 | Demolition Plan – Level 1 and Roof Plan | | 28/03/2023 | A |
| S4.56 034 | Bulk Excavation 3D | | 17/08/2023 | B |
| S4.56 035 | Bulk Excavation – Plans 1 | | 18/08/2023 | B |
| S4.56 036 | Bulk Excavation – Plans 2 | | 17/08/2023 | B |
| S4.56 037 | Bulk Excavation – Plans 3 | | 17/08/2023 | B |
| S4.56 038 | Backfill Volume Diagram | | 17/08/2023 | A |
| S4.56 100 | Building A/ Basement 2 | | 28/03/2023 | A |
| S4.56 101 | Building A/ Basement 1 | | 28/03/2023 | A |
| S4.56 102 | Building A/ Lower Ground Floor | | 28/03/2023 | A |
| S4.56 103 | Building A/ Ground Floor | | 28/03/2023 | A |
| S4.56 104 | BUILDING A / LEVEL 1 | | 16/08/2023 | C |
| S4.56 105 | BUILDING A / LEVEL 2 | | 16/08/2023 | C |
| S4.56 106 | BUILDING A / ROOF - BUILDING B / GROUND FLOOR | | 16/08/2023 | C |
| S4.56 110 | BUILDING B / LEVEL 1 | | 16/08/2023 | B |
| S4.56 111 | Building B/ Level 2 | | 28/03/2023 | A |
| S4.56 112 | Building B/ Level 3 | | 28/03/2023 | A |
| S4.56 113 | Building B/ Roof Plan | | 28/03/2023 | A |
| S4.56 150 | Area Calculations | | 17/08/2023 | B |
| S4.56 151 | Landscaped Area + Deep Soil | | 17/08/2023 | B |
| S4.56 200 | ELEVATION - BUILDING A / NORTH WEST | | 16/08/2023 | B |
| S4.56 201 | ELEVATION - BUILDING A + | | 16/08/2023 | B |

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|--------------------------------------|---|------------------------|---------------|----|
| | BUILDING B / SOUTH EAST | | | |
| S4.56 201 | ELEVATION - BUILDING A + BUILDING B / SOUTH EAST | | 16/08/2023 | B |
| S4.56 204 | ELEVATION - BUILDING B / NORTH EAST | | 16/08/2023 | B |
| S4.56 300 | SECTIONS - BUILDING A + BUILDING B / LONG SECTION | | 16/08/2023 | B |
| 2022.04.53-55. DRUMALBYN.A0.8.ABL | Landscape Building A Basement | Ben Kaye Garden Design | August 2023 | B |
| | Landscape Building A Ground Floor | | | |
| | Landscape Building A Level 1 | | | |
| | Landscape Building A Level 2 | | | |
| | Landscape Building B Ground Floor | | | |
| | Landscape Building B Level 1 | | | |
| | Landscape Building B Level 2 | | | |
| | BASIX Certificate | | | 04 |
| | Structural Construction Methodology | Bureau SRH | 13 March 2023 | |

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

2. Delete and replace Condition C.2 with:

The Applicant must submit to the Certifying Authority BASIX Certificate No.1237642M_03 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

3. Delete and replace Condition H.1 with:

All BASIX commitments must be effected in accordance with the BASIX Certificate No.1237642M_03.

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

4. Delete and replace Condition I.1 with:

I.1 Provision of Off-street Public and Visitor Parking

The owner and occupier, in compliance with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking, AS2890.3:2015 Parking Facilities - Bicycle Parking Facilities, and AS/NZS 2890.6 Parking Facilities: Off-Street Parking for People with Disabilities respectively, must maintain unimpeded public access to off-street parking as follows:

| Use | Number of spaces |
|-----------------------|------------------|
| Car Parking (Stacker) | <u>14</u> |
| Car Parking (Visitor) | <u>1</u> |
| Bicycle Parking | <u>6</u> |
| Motorcycle Parking | <u>1</u> |

This condition has been imposed to ensure adequate on-site parking is maintained.

Standard Condition: I21

5. Delete and replace Condition I.3 with:

All BASIX commitments must be maintained in accordance with the BASIX No 1237642M_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