

Straightline Studio Co
13 King Street
APPIN NSW 2560

D152/16
RT (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **152/16** and registered in Council's records as Application No. **152/16/2** relating to the land described as **21 Benelong Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 September 2016, has been determined in the following manner: -

- To modify the development consent (D152/16) and modify conditions A1 and C27 to read as follows:*

Development in Accordance with Plans (S96 Amendments)

- A1. The development being carried out in accordance with drawings numbered SS15.006 Page 13/17, Issue F, dated 05.03.2016, drawn by Straightline Studio Co, received by Council on 12 May 2016, and drawings numbered SS15.006 Pages 2/17, 10/17, 11/17, 12/17, 14/17, 15/17, 16/17, 17/17, all Issue F, all dated 25.07.2016, all drawn by Straightline Studio Co, received by Council on 27 July 2016, and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D152/16/2:

Drawing No/Page	Issue	Date	Drawn by	Received
SS15.006.11 Section 96 Page 3/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 4/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 5/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 6/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 7/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 8/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 9/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 10/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 12/12	I	29.08.2017	Straightline Studio Co	14.12.2017

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

BASIX Certificate

C27. Under Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. A240697_02 for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure that the proposed development will meet the Government’s requirements for sustainability and statutory requirements.)

Compliance with Certain Conditions

G8. Prior to the issue of any Occupation Certificate, Conditions C2, C3, C4 and C5 must be certified as having implemented on site and complied with.

(Reason: To ensure that the development is completed in accordance with the requirements of this consent.)

2. *To insert a new Condition A4 namely:*

Terms of Consent

A4. Approval is granted for the following works as shown on the following drawings:

Drawing No/Page	Issue	Date	Drawn by	Received
SS15.006.11 Section 96 Page 3/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 4/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 5/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 6/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 7/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 8/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 9/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 10/12	I	29.08.2017	Straightline Studio Co	12.09.2017
SS15.006.11 Section 96 Page 12/12	I	29.08.2017	Straightline Studio Co	14.12.2017

Internal:

- (a) Modifications to the ground floor bathroom including the relocation of the doorway and the layout of this bathroom; and
- (b) Modifications to the internal staircase to provide additional storage area within the garage under the staircase and a walk in linen cupboard on the first floor.

External:

- (a) Deletion of a doorway on the western elevation of the approved garage;
- (b) Replacement of the approved opening for French doors with windows on the south-western wall of the ground floor meals area;
- (c) Addition of three (3) highlight windows to Bedroom 1 and the walk-in-robe on south-western (Benelong Road) elevation of the approved first floor addition to replace the skylights as required by Condition C1 of the original DA consent; and

- (d) Addition of two (2) aluminium louvred windows with frosted glazing to first floor bedrooms 2 and 3 on the south-eastern (rear) elevation of the approved first floor addition.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

3. *To delete condition C1 namely:*

~~Dormer Rooflights~~

~~C1. The proposed dormer rooflights on the south-western elevation must be deleted and replaced by two skylights each measuring 1m (width) by 500mm (height) to minimise the bulk and scale of the proposed first floor addition.~~

~~The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced and accompanying the issued Construction Certificate, fully satisfy the requirement of this condition.~~

~~(Reason: To minimise the bulk and scale of the proposed first floor addition and to maintain streetscape.)~~

The conditions attached to the original consent for Development Application No. 162/16 by endorsed date of 7 September 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 of the Environmental Planning and Assessment Act 1979 (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.
- (b) Pursuant to Section 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:

- (i) A Construction Certificate is to be obtained in accordance with Section 81A(2) (a) of the Act.
- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b1)(i) of the Act.
- (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 96 of the Environmental Planning & Assessment Act, 1979 (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)