

Greg Natale Design
62 Buckingham Street
SURRY HILLS NSW 2010

D12/17
(MAM) (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. **12/17** and registered in Council's records as Application No. **12/17/2** relating to the land described as **7 Milray Avenue, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 April 2017, has been determined in the following manner:-

- 1. To delete condition A1 of the consent and insert in lieu thereof the following condition:***

Development in Accordance with Plans

- A1. The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan No.	Issue	Title	Drawn by	Dated	Received
WD.100	B	Ground Floor Plan	Greg Natale Design	30.11.16	18.1.17
WD.101	B	First Floor Plan	Greg Natale Design	30.11.16	18.1.17
WD.102	B	Second Floor Plan	Greg Natale Design	30.11.16	18.1.17
WD.103	B	Roof Plan	Greg Natale Design	30.11.16	18.1.17
WD.300	B	Front Elevation	Greg Natale Design	30.11.16	18.1.17
WD.301	B	Side Elevation	Greg Natale Design	30.11.16	18.1.17
WD.302	B	Rear Elevation	Greg Natale Design	30.11.16	18.1.17
WD.303	B	Side Elevation	Greg Natale Design	30.11.16	18.1.17
WD.400	B	Section	Greg Natale Design	30.11.16	18.1.17

Except where modified by the following plans, received by Council on 13 December 2017 to modify Development Consent No. 12/17 seeking consent for changes to fenestration and the front boundary fence, and new replacement glass balustrade to pool within rear yard, as follows:

Plan No.	Issue	Title	Drawn by	Dated	Received
WD.100	C	Ground Floor Plan	Greg Natale Design	13.12.17	13.12.17
WD.300	C	Front Elevation	Greg Natale Design	13.12.17	13.12.17
WD.301	C	Side Elevation	Greg Natale Design	13.12.17	13.12.17
WD.302	C	Rear Elevation	Greg Natale Design	13.12.17	13.12.17
WD.303	C	Side Elevation	Greg Natale Design	13.12.17	13.12.17
WD.305	C	Proposed Front Fence	Greg Natale Design	13.12.17	13.12.17

except where amended by the following conditions.

2. To insert new conditions A4 so as to read as follows:

Front gate

- A4. The height of the proposed front gate shall be reduced and be no higher than 1.5m.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval 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 the proposal is in keeping with the character of the Wollstonecraft Conservation Area)

3. To insert new Condition A5 so as to read as follows:

Hedge Planting

- A5. Hedge planting similar to that along the front boundary on adjoining properties, achieving a height of 1200mm shall be planted along the front boundary above the sandstone retaining wall.

Plans and specifications which comply with this condition must be submitted to the Certifying Authority for approval 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 reduce the visibility of the palisade fence and ensure the proposal is in keeping with the character of the Wollstonecraft Conservation Area)

The conditions attached to the original consent for Development Application No. 12/17 by endorsed date of 6 April 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Aloma Moriarty**. 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)