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D242/14
 RP (CIS)

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

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

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **242/14** and registered in Council's records as Application No. **242/14/2** relating to the land described as **11A Bray Street, North Sydney**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 24 November 2014, has been determined in the following manner: -

Condition nos. A1 and C14 be modified as follows:

A1. Development in Accordance with Plans

Plan No.	Issue	Title	Drawn by	Received
1402-01	N/A	Ground floor plan	Bespoke Property Group	25.07.14
1402-02	N/A	First floor plan	Bespoke Property Group	25.07.14
1402-03	N/A	North elevation	Bespoke Property Group	25.07.14
1402-04	N/A	West elevation	Bespoke Property Group	25.07.14
1402-05	N/A	East elevation	Bespoke Property Group	25.07.14
1402-08	N/A	Section plan	Bespoke Property Group	25.07.14
1402-09	N/A	Roof plan	Bespoke Property Group	25.07.14

As amended by the following plans

Plan No.	Issue	Title	Drawn by	Received
1402-01	A	Ground floor plan	Bespoke Property Group	8/1/18
1402-02	A	First floor plan	Bespoke Property Group	8/1/18
1402-03	A	North elevation	Bespoke Property Group	8/1/18
1402-04	A	West elevation	Bespoke Property Group	8/1/18
1402-05	A	East elevation	Bespoke Property Group	8/1/18
1402-08	A	Section plan	Bespoke Property Group	8/1/18
1402-09	A	Roof plan	Bespoke Property Group	8/1/18

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

BASIX Certificate

C14. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 303582 for the development are fulfilled. Plans and specifications complying 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 proposed development will meet the Government's requirements for sustainability and statutory requirements)

Condition C1 to be replaced with the following condition:

Design modifications

C1. The plans must be amended prior to the release of the construction certificate as follows:

- (i) New windows and doors to have aluminium or steel framing sections of a width 45mm or wider, or are to be timber-framed.
- (ii) The area to the north of the additional floor area (being the subject of 242/14/2) previously approved as a deck with a water feature must be replaced with soft landscaping e.g. turf, ground covers or low shrubs.

The Certifying Authority must also 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 be sympathetic to the character of the conservation and the original dwelling.)

The conditions attached to the original consent for Development Application No. 242/14 by endorsed date of 24 November 2014 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **the undersigned**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 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 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 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 6.3 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 6.6 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 6.6(2)(a) 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 4.55 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 4.55 of the Environmental Planning & Assessment Act.

DATE

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