

Original signed by: Luke Donovan Dated: 13/6/2018

Benson + Partners Pty Ltd  
Studio 10, Level 3  
35 Buckingham Street  
SURRY HILLS NSW 2010

D351/15  
LK(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. **351/15** and registered in Council's records as Application No. **351/15/2** relating to the land described as **29 Shellcove Road, Kurraba Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 6 April 2016, has been determined in the following manner:-

- 1. To modify the development consent (D351/15) and modify condition A1 to include the revised plans:*

**Development in Accordance with Plans (S 4.55 Amendments)**

A1. The development being carried out in accordance with the following drawings:

| <b>Drawing Number</b> | <b>Title</b>            | <b>Dated</b>   | <b>Drawn by</b>            | <b>Received On</b> |
|-----------------------|-------------------------|----------------|----------------------------|--------------------|
| DA.01                 | Lower Ground Floor Plan | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.02                 | Ground Floor Plan       | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.03                 | First Floor Plan        | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.04                 | Roof Plan               | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.05                 | Elevations (sheet 1)    | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.06                 | Elevations (sheet 2)    | September 2015 | Bensen Partners Architects | 28 September 2015  |
| DA.12                 | Typical Section         | September 2015 | Bensen Partners Architects | 28 September 2015  |

and endorsed with Council's approval stamp, except as modified by the areas clouded in red on the following drawings for D351/15/2:

| <b>Drawing Number</b> | <b>Title</b>            | <b>Dated</b>  | <b>Drawn by</b>            | <b>Received On</b> |
|-----------------------|-------------------------|---------------|----------------------------|--------------------|
| S96.01                | Lower Ground Floor Plan | November 2017 | Bensen Partners Architects | 29 May 2018        |
| S96.02                | Ground Floor Plan       | November 2017 | Bensen Partners Architects | 29 May 2018        |
| S96.03                | First Floor Plan        | November 2017 | Bensen Partners Architects | 29 May 2018        |
| S96.04                | Roof Plan               | November 2017 | Bensen Partners Architects | 29 May 2018        |
| S96.05                | Elevations (Sheet 1)    | November 2017 | Bensen Partners Architects | 29 May 2018        |
| S96.06                | Elevations (Sheet 2)    | November 2017 | Bensen Partners Architects | 29 May 2018        |

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

**2. To delete Condition C5 (Stormwater Management and Disposal Design Plan)**

The conditions attached to the original consent for Development Application No. 351/15 by endorsed date of 6 April 2016 still apply.

**ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Lisa Kamali**. 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.

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DATE

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Signature on behalf of consent authority  
LUKE DONOVAN  
A/TEAM LEADER (ASSESSMENTS)