

Development Consent No. 83/18

Section 4.55 Application

Applicant's Name

Bridging Hope Charity Foundation
C/- Ariel Zhang

Land to which this applies

Level 2, 83-85 Chandos Street, St Leonards
Lot No. A, DP 443166

Proposal

To modify a consent DA83/18 to amend Condition A3

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. **83/18** and registered in Council's records as Application No. **83/18/2** relating to the land described as **Level 2, 83-85 Chandos Street, St Leonards**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 21 June 2018, has been determined in the following manner:

To amend Condition A3 as follows:

Fire Safety Upgrade

A3. Prior to commencement of the approved use, works involving the upgrading/installation of essential fire safety measures, including the items listed in the Fire Safety Schedule below, based upon information contained within the Final Fire Safety Certificate dated 12 June 2018 prepared by Glen Hughes, are to be fully completed.

Fire Safety Schedule		
Item No.	Measures	Standard of performance
1	Smoke detection and alarm system	NCC BCA 2016, Specification E2.2a, Clause 4 & AS:1670.1
2	Emergency lighting	NCC BCA 2016, Clauses E4.2, E4.4 & AS: 2293.1-2005
3	Exit signs	NCC BCA 2016, Clauses E4.5, E4.8 and AS2293.1-2005
4	Fire Doors	NCC BCA 2016, Specification C3.4, Clause C2.12, C3.8, C3.11 & AS:1905.1-2015
9	Portable fire extinguishers	NCC BCA 2016, Clause E1.6 & AS: 2444 - 2001

A **fire safety schedule** and **final fire safety certificate** (as specified in clauses 168 to 174 of the Environmental Planning and Assessment Regulation 2000) must be issued prior to commencement of the approved use.

A report from an appropriately qualified person in relation to fire safety and the Building Code of Australia, certifying that the fire upgrading works have been completed and indicating all required essential fire safety measures have been installed and verified, must be submitted to the Certifying Authority for approval prior to commencement of the approved use.

Note: The requirement to undertake physical building works in relation to the installation/upgrade of essential fire safety measures in the building constitutes building work and as such will necessitate obtaining a Construction Certificate, appointing a Principal Certifying Authority and obtaining an Occupation Certificate (pursuant to section 81A and 109M of the EP&A Act.

(Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety)

The conditions attached to the original consent for Development Application No. 83/18 by endorsed date of 21 June 2018 still apply.

ADVISINGS

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