

Mr James Goth
C/- Vaughan Milligan Development Consulting Pty Ltd
Attention: Vaughan Milligan
PO Box 49
NEWPORT BEACH NSW 2106

D34/14
KRR (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 34/14/4 – APPROVAL

Development Consent Number: 34/14/4

Land to which this applies: 6 Tryon Avenue, Wollstonecraft
Lot No.: 5, DP: 6622

Applicant: Mr James Goth

Proposal: To modify a Development Consent DA34/14 to amend NSW Rural Fire service requirements within Condition A4.

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. **34/14** and registered in Council's records as Application No. **34/14/4** relating to the land described as **6 Tryon Avenue, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 30 July 2014, has been determined in the following manner: -

1. To make the following alterations to the conditions of development consent:

Construction for Bushfire Protection

- A4. The development is to be carried out in accordance with the bushfire safety measures within the bushfire assessment report prepared by Bush Fire Planning Services dated 22 April 2014 and received by Council on 30 April 2014 concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire.

The new building work associated with this approval must comply with the following requirements:

1. New construction shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
2. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
3. All existing glazing shall be upgraded to comply with Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' BAL 40. The screening shall be placed over the openable part of the window.
4. The existing dwelling is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
5. All existing fascia shall be replaced with a non-combustible alternative.

The Certifying Authority must be satisfied that plans and documentation submitted with the Construction Certificate application complies with the requirements of the bushfire assessment report and all relevant requirements of the NSW Rural Fire Service document Planning for Bushfire Protection 2006 prior to the issue of the Construction Certificate.

(Reason: To ensure the proposed development is capable of protection from bushfires)

Reason for approval:

The proposed modifications are considered to be of minimal environmental impact and are consistent with the originally approved development application and s.4.55 of the EP & A Act 1979. Furthermore, the modifications do not result in any new material amenity impact to adjoining properties or the surrounding area. The proposed modifications are consistent with the reasons for the granted of development consent to the originally approved development and is considered to be acceptable.

How community views were taken into account:

The nature of the application was such that the application determined to not require notification. The public interest however has been considered within the report and on the basis of the minor nature of the modifications sought, the public interest has been sufficiently considered in the circumstances.

The conditions attached to the original consent for Development Application No. 34/14 by endorsed date of 30 July 2014 still apply.

ADVISINGS

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

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
DAVID HOY
TEAM LEADER ASSESSMENTS