

Zhinar Architects
Attention: Philip Ng
Suite 1, Level 2
2 Rowe Street
EASTWOOD NSW 2122

D172/17
GJY (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED
SECTION 4.55 MODIFICATION 172/17/2 – APPROVAL**

Development Consent Number: 172/17/2

Land to which this applies: 47A King Street, Wollstonecraft
Lot No.: 10, DP: 1252298

Applicant: Zhinar Architects

Proposal: Modification of consent for demolition of existing dwelling and construction of residential flat building – conversion of two x 2 bedroom units in one x 3 bedroom unit on level one

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. **172/17** and registered in Council's records as Application No. **172/17/2** relating to the land described as **47A King Street, Wollstonecraft**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 2 November 2017, has been determined in the following manner: -

Amend Conditions A1 and C33 as follows:

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/documentation

- A1. The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp, except where amended in order to satisfy condition AA1, and by the following conditions of this consent.

Drawing Number	Revision	Drawn by	Dated
1701_DA02	C	RJK Architects	24/7/17

1701_DA03	C	RJK Architects	24/7/17
1701_DA04	C	RJK Architects	24/7/17
1701_DA05	C	RJK Architects	24/7/17
1701_DA06	B	RJK Architects	5/5/17
1701_DA07	C	RJK Architects	24/7/17
1701_DA08	B	RJK Architects	5/5/17
1701_DA09	C	RJK Architects	24/7/17
1701_DA10	C	RJK Architects	24/7/17
1701_DA11	C	RJK Architects	24/7/17
1701_DA12	C	RJK Architects	24/7/17
1701_DA13	C	RJK Architects	24/7/17
1701_DA14	C	RJK Architects	24/7/17
1701_DA15	B	RJK Architects	5/5/17
101	C	Site Image Landscape Architects	17/5/17
C101	C	Site Image Landscape Architects	17/5/17
102	C	Site Image Landscape Architects	17/5/17
103	C	Site Image Landscape Architects	17/5/17
501	C	Site Image Landscape Architects	17/5/17
502	C	Site Image Landscape Architects	17/5/17

All as amended by s.4.55 application No. 172/17/2 in accordance with the following approved plans:

1701_DA02	E	Zhinar Architects	15/5/19
1701_DA05	F	Zhinar Architects	11/6/19
1701_DA12	E	Zhinar Architects	15/5/19
1701_DA14	E	Zhinar Architects	15/5/19

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

BASIX Certificate

C33. 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 revised BASIX Certificate No. 815761M_02 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)

Reason for approval:

The proposed development is satisfactory, subject to conditions of consent, and is recommended for approval.

How community views were taken into account:	No notification is required under NSDCP 2013, with regard to the minor nature of the proposal.
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The conditions attached to the original consent for Development Application No. 172/17 by endorsed date of 2 November 2017 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.
- (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
**GEORGE YOUHANNA
EXECUTIVE PLANNER**