

Jacota Pty Ltd
c/- Koturic & Co Pty Ltd Architects
PO Box 580
CONCORD NSW 2137

D417/10
(LH) (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)

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

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **417/10** and registered in Council's records as Application No. **417/10/3** relating to the land described as **7-19 Young Street, Neutral Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 July 2011, has been determined in the following manner:-

- To delete condition A1 of the consent and insert in lieu thereof the following new condition, namely:**

Development in accordance with Plans

- The development being carried out in accordance with drawings numbered DA101M, DA102M, DA103M, DA104M, DA105M, DA106M, DA107M, DA108M, DA201M, DA202M, DA301M, DA401M, and DA402M, dated 22/3/2011 drawn by Volpato Hatz and received by Council on 23 March 2011 and endorsed with Council's approval stamp, except as modified in highlighting as follows:-

Drawing Number	Rev	Title	Dated	Prepared by	Received
DA-00	B	Cover Page and Drawing Schedule	May 2016	Koturic & Co	21 July 2016
DA-01	A	Site and Locality Plan	Feb 2016	Koturic & Co	21 July 2016
DA-02	A	Carpark Level 2 Plan	Feb 2016	Koturic & Co	21 July 2016
DA-03	A	Carpark Level 1 Floor Plan	Feb 2016	Koturic & Co	21 July 2016
DA-04	A	Ground Floor Plan	Feb 2016	Koturic & Co	21 July 2016
DA-05	B	Level 1 Floor Plan	May 2016	Koturic & Co	21 July 2016
DA-06	B	Level 2 Floor Plan	May 2016	Koturic & Co	21 July 2016
DA-07	B	Level 3 Floor Plan	May 2016	Koturic & Co	21 July 2016
DA-08	B	Level 4 Floor Plan	May 2016	Koturic & Co	21 July 2016
DA-09	C	Roof Plan	July 2016	Koturic & Co	21 July 2016
DA-10	C	Elevations Sheet 1	July 2016	Koturic & Co	21 July 2016
DA-11	C	Elevations Sheet 2	July 2016	Koturic & Co	21 July 2016
DA-12	B	Sections Sheet 1	May 2016	Koturic & Co	21 July 2016
DA-13	B	Sections Sheet 2	May 2016	Koturic & Co	21 July 2016

Except where amended by the following conditions.

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

2. Condition A3 shall be amended as follows:-

External Finishes and Materials

A3. The colour and type of all external materials shall generally as detailed on the External Schedule of Finishes and Materials, prepared by Koturic & Co, dated 2 March 2016 and received by Council 8 March 2016 and the associated photomontage.

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

3. Condition C1 shall be deleted and replaced as follows:

Privacy

C1. Operable sliding screens shall be provided and maintained to all Level 1 and 2 windows and balconies as shown on the approved elevations.

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: Privacy)

4. Delete Condition C2 (Ground floor lobby/communal area).

5. Condition G12 is amended as follows:

Height

G12. The maximum RL of the proposed development shall be RL94.88AHD measured at the highest point of the new roof plant, and RL93.83 measured at the finished roof level. The Certifying Authority must ensure, prior to the issue of the final Occupation Certificate required on the completion of works, that evidence is submitted by the Applicant, demonstrating compliance with this condition.

(Reason: To ensure compliance with the terms of this development consent)

6. Condition H2 is amended as follows:

Allocation of Spaces

H2. Thirty-four (34) carparking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions:

24	Residential
10	Retail

Such spaces are to be identified on-site by line-marking and numbering upon completion of the works and prior to issue of Occupation Certificate. Carparking provided shall only be used in conjunction with the uses contained within the development and in the case of Strata subdivision, shall be individually allocated to residential units. Under no circumstances shall Strata By-Laws be created to grant exclusive use of nominated Visitors Parking spaces to occupants/owners of units or tenancies within the building.

(Reason: To ensure adequate parking facilities to service the development are provided on site)

The conditions attached to the original consent for Development Application No. 417/10 by endorsed date of 4 July 2011 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Lara Huckstepp**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2)(a) 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 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE ASSESSMENT PLANNER