

The Owners Corporation of SP 18433
C/- Montano Strata Management
135 Marion Street
LEICHARDT NSW 2040

D313/15
(ME) (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. **313/15** and registered in Council's records as Application No. **313/15/3** relating to the land described as **21 Waiwera Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 17 December 2015, has been determined in the following manner:-

1. Condition A1 of the consent is to be amended to read as follows:

The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp:

Plan No.	Issue	Title	Drawn by	Received
DA00	A	Site Plan & Site Location Plan	Paul Davies Architects Pty Ltd	03.09.15
DA01	A	Proposed Floor Plans	Paul Davies Architects Pty Ltd	03.09.15
DA02	B	Proposed Elevations & Sections	Paul Davies Architects Pty Ltd	30.09.15
S020	C	Stormwater & Erosion Control Plans	Core Project Consulting	06.10.15
S021	B	Storm water & Erosion Control Details	Core Project Consulting	03.09.15

Amended Plans

Except where amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
A01	B	Proposed Floor Plans	Paul Davies Architects Pty Ltd	10.02.16

Except where further amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
S96.A01	A	Proposed Floor Plans	Paul Davies Architects Pty Ltd	14.09.17

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

2. External Colour Change

The proposed modifications to the existing building colour, to affect the whole of the building, is outside the scope of the consent originally granted by Council. However, the proposed exterior paint colour change is considered acceptable as minor building maintenance under the provisions of clause 5.10 (3)(a)(i) of NSLEP 2013 and as such can be carried out.

The proposed exterior paint colour change to the exterior of the building as outlined in the materials schedule drawn by Greta Unkuri Interiors, dated August 2015 is acceptable, and may be completed as minor building maintenance works under clause 5.10(3)(a)(i) of the North Sydney Local Environment Plan 2013.

The conditions attached to the original consent for Development Application No. 313/15 by endorsed date of 17 December 2015 still apply.

ADVISINGS

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