

**MODIFIED CONDITIONS OF CONSENT:**

Delete conditions 1 and 2 and insert the following conditions in the appropriate order:

**Details of conditions:**

**1) Development is to be in accordance with approved plans**

The development is to be in accordance with plans listed below:

<b>Ref No.</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>
-	Stage 1 Plan	Northpoint	As stamped
DA 02 B	Survey Plan (Demolition Plan)	Project Tourism International Architects	17/11/2015
DA 03 D	Site Analysis / Basement Plan	Project Tourism International Architects	17/11/2015
DA 04 I	Ground Floor & First Floor Plans	Project Tourism International Architects	17/11/2015
DA 05 H	Second Floor Plans & Roof Plan	Project Tourism International Architects	17/11/2015
DA 06 D	Sections A & B	Project Tourism International Architects	17/11/2015
DA 07 C	Section C & D	Project Tourism International Architects	17/11/2015
DA 08 F	Elevation N & S	Project Tourism International Architects	17/11/2015
DA 09 F	Elevations E & W	Project Tourism International Architects	17/11/2015
DA 10 B	3D Perspective Views	Project Tourism International Architects	17/11/2015

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

### **1A) Staged Development**

The development is to be carried out in the following stages:

**Stage 1:** Conversion of Existing Garage to Temporary Sales and Display Office for On-site Marketing of Approved Residential Flat Building.

**Stage 2:** Demolition of Existing Building and Construction of Residential Flat Building

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage.

The relevant conditions are the conditions deemed necessary, by the Principal Certifying Authority (PCA) appointed for the development, or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

**(NB A Construction Certificate and Occupation certificate is required for Stage 1)**

### **1B) Temporary Sales and Display Office – Stage 1**

The converted garage to a temporary sales and display office is approved for the sole purpose of on-site marketing of the residential flat building approved under this consent.

The converted garage is associated with Lot 1 SP 16094. The residential unit in Lot 1 SP 16094 is to be vacated and not used for residential purposes or as tourist and visitor accommodation at the commencement of construction of stage 1 for the Temporary Sales and Display Office.

Marketing, promotion or sale of other residential, commercial industrial development is strictly prohibited.

Operating hours of the temporary sales and display office is restricted to Monday to Saturday 9AM to 6PM.

Prior to commencement of Stage 2, all on site sales and display is to cease operations.

The duration and operation of Stage 1 is limited to an operational period of not more than 1 year.

An Occupation Certificate to be issued by the Principle Certifying Authority prior to the operation of the temporary sales and display office.

### **1C) Approved Use – Stage 2**

**Residential flat building** – Use of the development is approved for a residential flat building. Any activity other than that defined as residential flat building must not be carried out unless development consent is sought.

Note. **residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Dwelling means “a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile”.

The residential flat building is not approved as short term rental accommodation, tourist and visitor accommodation or to be “holiday let”.

### **1D) Support for neighbouring buildings**

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

- a. Inform the neighbouring property owner immediately.
- b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
- c. Preserve and protect the adjoining building from damage.
- d. If necessary, underpin and support the building in an approved manner.

### **1E) Site Location – prior to all works**

The location of the building on the site to be established by a suitably qualified Surveyor and must comply with this approval including any required setbacks to boundaries.

### **1F) Site Location Survey**

A final survey of the structures showing setbacks to boundaries to be submitted to the Private Certifier with the Occupation Certificate demonstrating compliance with the approved plans.

**1G) Aboriginal Relics**

If any Aboriginal archaeological relics or items are exposed during construction works, the Applicant shall:

- a. immediately cease works;
- b. notify the NSW National Parks and Wildlife Service (NPWS);
- c. obtain any necessary permits and/or approvals to continue the work under the National Parks and Wildlife Act 1974.

The Applicant shall comply with any further request made by the NPWS to cease work for the purposes of archaeological assessment and recording.

**STATEMENT OF REASONS**

*Note: From July 1 2018, Council's are required to give and publicly notify reasons for a range of planning decisions where they are deciding if development should proceed to help community members to see how their views have been taken into account and improve accountability to stakeholders. A statement of reasons for the determination of this application is provided below.*

**Statement of Reasons**

S.4.55	The proposed modifications were minor and substantially the same as the original development approval with no detrimental environmental impacts.
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<b>How community views were addressed</b>	
1	<p>The DA was advertised in accordance with Development Control Plan 2014. The submissions received were considered on merit and addressed during assessment of the application.</p> <p>To view the considerations, please contact Council to view a copy of the</p>

	assessment report relating to this DA.
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