

WAVERLEY COUNCIL

Notice of determination of a development application

issued under the *Environmental Planning and
Assessment Act 1979* section 81 (1) (a)



Details of the applicant

Proprietors of Strata Plan 13901
4 Silva St
BONDI NSW 2026

Details of the land to be developed

Site:	4 Silva Street, Tamarama
Development application no:	DA-260/2012
Description of the development:	Amended strata plans modifying allocation of common and private area's

Decision of the consent authority

Consent is **granted** subject to the conditions listed in **Attachment A**.

Conditions have been placed on the consent for the reasons outlined in
Attachment A:

Date of this decision:	16 August 2012
Date from which the consent operates:	16 August 2012
Date the consent expires:	16 August 2017

Information attached to this decision

- Conditions of the consent listed in **Attachment A**.
- A fire safety schedule, for a change of building use where no building work will be carried out.

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Other approvals

The following approvals will be granted, consistent with this consent, if the applicant applies to the state agencies listed within 3 years of the date of this decision:

- N/A

The following approvals have been granted under the *Local Government Act 1993*:

- N/A

A Commission of Inquiry has been held: No

Signature

For this notice to be valid, it must be signed by the consent authority.



Paul Yachmennikov
Senior Assessment Officer

Dated: 16 August 2012

Rights of appeal

You can appeal against this decision in the Land and Environment Court. Any appeal must be lodged within the prescribed period. This can be viewed at www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments. You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

Right of review

If you are dissatisfied with this decision you may make an application to Council for a review of the determination. You must give your reasons for this request and pay the prescribed fee for this review. **The review must be determined within the prescribed period.** This can be viewed at www.planning.nsw.gov.au/PlanningSystem/Legislationandplanninginstruments.

Modification of consent

If you are dissatisfied with a condition attached to this consent, you may apply to Council to have the condition removed or varied. This process may be undertaken in the form of an application to modify the development consent under Section 96 of the Environmental Planning & Assessment Act. You should give reasons or supply such additional information that supports your application.

Enquiries

Contact person: Paul Yachmennikov
Telephone: 02 9369 8097.

Between: 9.00 am and 10.00am or 4.00pm and 5.00pm,
Monday to Friday inclusive.

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Attachment A**DA-260/2012****Conditions of the development consent**

1. Compliance in all respects with Surveyor's Plan Administration Sheets 1-2 & Surveyor's Plan Sheets 1-4, tables and documentation prepared by Andrew Chu, Surveyor's Ref: S-21934x(20020) and received by Council on 18 June, 2012, except where amended by the following conditions of consent.
2. A linen plan and six copies are to be submitted to Council or Accredited Certifier in accordance with Section 109 c (d) of the Environmental Planning and Assessment Act, 1979.
3. Prior to the registration of the linen plans a Sub-division Certificate must be obtained from Council or an Accredited Certifier in accordance with Section 109 C (d) of the Environmental Planning and Assessment Act, 1979.
4. Before the release of the linen plan for the amended subdivision:-
 - i) a Final Fire Safety Certificate shall be attached to the Subdivision Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:
 - (a) has been assessed by a properly qualified person; and
 - (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

Advice to Applicant

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

Sydney Water Requirements

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

Dial Before You Dig

Information regarding the location of underground services may be obtained from "Dial Before You Dig" services by either phoning 1100 during business hours or go to www.1100.com.au.

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STRATA PLAN ADMINISTRATION SHEET

Sheet 1 of 2 sheet(s)

Name of, and address for service of notices on, the Owners Corporation. (Address required on original strata plan only)

The Owners – Strata Plan 13901

Office Use Only

Registered:

Purpose:

Office Use Only

**PLAN OF SUBDIVISION OF LOTS 1 TO 4
AND COMMON PROPERTY IN SP13901**

The adopted by-laws for the scheme are:

- * Model By-laws.
- *together with, Keeping of animals: Option *A/*B/*C
- *By-laws in ____ sheets filed with plan.
- * strike out whichever is inapplicable
- ^ Insert the type to be adopted (Schedule 1 SSM Regulation 2010)

Strata Certificate (Approved Form 5)

- (1) *The Council of
*The Accredited Certifier
Accreditation No.
has made the required inspections and is satisfied that the requirements of;
*(a) Section 37 or 37A Strata Schemes (Freehold Development) Act 1973 and
clause 29A Strata Schemes (Freehold Development) Regulation 2007,
*(b) Section 66 or 66A Strata Schemes (Leasehold Development) Act 1986 and
clause 30A of the Strata Schemes(Leasehold Development) Regulation
2007,
have been complied with and approves of the proposed strata plan illustrated in
the plan with this certificate.
- *(2) The Accredited Certifier is satisfied that the plan is consistent with a relevant
development consent in force, and that all conditions of the development consent
that by its terms are required to be complied with before a strata certificate may
be issued, have been complied with.
- *(3) The strata plan is part of a development scheme. The council or accredited
certifier is satisfied that the plan is consistent with any applicable conditions of the
relevant development consent and that the plan gives effect to the stage of the
strata development contract to which it relates.
- *(4) The building encroaches on a public place and;
*(a) The Council does not object to the encroachment of the building beyond the
alignment of
*(b) The Accredited Certifier is satisfied that the building complies with the
relevant development consent which is in force and allows the
encroachment.
- *(5) This approval is given on the condition that lot(s) ^ are
created as utility lots in accordance with section 39 of the Strata Schemes
(Freehold Development) Act 1973 or section 68 of the Strata Schemes
(Leasehold Development) Act 1986.

Date.....

Subdivision No.

Relevant Development Consent No.

issued by

Authorised Person /General Manager/Accredited Certifier

* Strike through if inapplicable.

^ Insert lot numbers of proposed utility lots.

LGA: **WAVERLEY**
Locality: **TAMARAMA**
Parish: **ALEXANDRIA**
County: **CUMBERLAND**

Surveyor's Certificate (Approved Form 3)

I, **ANDREW CHU**

of **KEVIN BROWN AND ASSOCIATES PTY LTD**
P. O BOX 500 HURSTVILLE BC NSW 1481

a surveyor registered under the Surveying and Spatial Information Act, 2002, hereby
certify that:

- (1) Each applicable requirement of
- * Schedule 1A of the Strata Schemes (Freehold Development) Act 1973 has
been met
 - * Schedule 1A of the Strata Schemes (Leasehold Development) Act 1986 has
been met;
- *(2) *(a) the building encroaches on a public place;
*(b) the building encroaches on land (other than a public place), and an
appropriate easement has been created by ^ to
permit the encroachment to remain.
- *(3) the survey information recorded in the accompanying location plan is accurate.

Signature:

Date:

* Strike through if inapplicable.

^ Insert the Deposited Plan Number or Dealing Number of the instrument that created the

SURVEYOR'S REFERENCE: S-21934X (20020)

Use STRATA PLAN FORM 3A for additional certificates,
signatures and seals

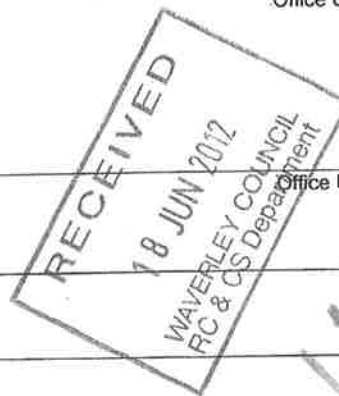
STRATA PLAN ADMINISTRATION SHEET

Sheet 2 of 2 sheet(s)

PLAN OF SUBDIVISION OF LOTS 1 TO 4
AND COMMON PROPERTY IN SP13901

Office Use Only

Registered:



Office Use Only

Strata Certificate Details: Subdivision No:

Date:

SCHEDULE OF UNIT ENTITLEMENT

(If space is insufficient use additional annexure sheet)

<u>LOT No.</u>	<u>UE</u>
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5	1
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6	1
---	---

7	1
---	---

8	1
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AGGREGATE 4

Signatures, seals and statements of intention to create easements, restrictions on the use of land or positive covenants

(If space is insufficient use additional annexure sheet)

**Waverley Council
APPROVED**

Without Consent

The specifications form part of the Notice of Determination in respect of the development consent.

Authorised person

SURVEYOR'S REFERENCE: S-21934X (20020)