

Kelly William Wilson
3/100 Faunce Street West
GOSFORD NSW 2250

D332/16
RP (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. **332/16** and registered in Council's records as Application No. **332/16/2** relating to the land described as **84 Cremorne Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 8 December 2016, has been determined in the following manner: -

A. Condition No. A1, C1 and I1 are modified to reflect the revised plans.

Development in Accordance with Plans

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 by the following conditions of this consent.

Plan No.	Title	Drawn by	Received
DA01	Site & Site Analysis Plan	Shoalies Design	13 November 2017
DA02	Garage Floor & Roof Plan	Shoalies Design	13 November 2017
DA03	Elevations	Shoalies Design	13 November 2017
DA04	Sections	Shoalies Design	13 November 2017

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

Amendments to carport/rear fence

C1. The plans must be amended prior to the release of the construction certificate as follows:

- (i) The carport must be wholly contained within the property boundaries.
- (ii) The door for the carport should have a setback off the rear wall of the carport by 150mm (minimum) to minimise bulk and scale.

- (iii) A panel lift door for the carport must be provided not a roller door to maintain streetscape character.
- (iv) The carport door must not open out into the laneway to maintain public safety.
- (v) The height of the fence on either side of the carport must not exceed 1.8m above natural ground level at any one point to reduce bulk and scale.

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

(Reason: To maintain residential amenity and ensure streetscape character)

Use of the roof space

- II. The use of the roof space above the carport must be limited to storage only of items of a residential nature.

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

B. The following condition is deleted given the changes to the original plans:

External Finishes & Materials

- A4. External finishes and materials must be in accordance with the submitted schedule dated September 2016, prepared by Shoalies Design and received by Council on 28 September 2016. The proposed garage door should match the panel lift door garage door at 86 Cremorne Road, Cremorne Point in colour and style.

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

The conditions attached to the original consent for Development Application No. 332/16 by endorsed date of 84 Cremorne Road, Cremorne 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 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)