

Roslyn & Geoff Morgan
18 Bay View Street
LAVENDER BAY NSW 2060

D409/16
GM (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. **409/16** and registered in Council's records as Application No. **409/16/3** relating to the land described as **18 Bay View Street, Lavender Bay**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 5 April 2017, has been determined in the following manner: -

To delete conditions A1, A4 and C1, and insert in lieu the following new conditions, namely:

Development in Accordance with Plans/documentation

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.	Issue	Title	Drawn by	Received
DA-002	A	Site Plan Existing	Durbach Block Jagers	22 December 2017
DA-003	D	Site Plan Proposed	Durbach Block Jagers	22 December 2017
DA-100	D	Entry Level Plan	Durbach Block Jagers	22 December 2017
DA-101	D	Ground Floor Plan	Durbach Block Jagers	22 December 2017
DA-102	D	Level 1 Plan	Durbach Block Jagers	22 December 2017
DA-103	D	Level 2 Plan	Durbach Block Jagers	22 December 2017
DA-104	D	Roof Plan	Durbach Block Jagers	22 December 2017
DA-200	D	East Elevation	Durbach Block Jagers	22 December 2017
DA-201	D	North Elevation	Durbach Block Jagers	22 December 2017
DA-202	D	West Elevation	Durbach Block Jagers	22 December 2017
DA-203	D	South Elevation	Durbach Block Jagers	22 December 2017
DA-300	D	Section B	Durbach Block Jagers	22 December 2017
DA-301	D	Section C	Durbach Block Jagers	22 December 2017
DA-310	C	Materials and finishes	Durbach Block Jagers	22 December 2017

LD01-LD04	B	Landscape Plan	Sue Barnsley Design	25 November 2016
LD11-LD13	B	Landscape Plan	Sue Barnsley Design	25 November 2016

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

External Finishes & Materials

A4. External finishes and materials must be in accordance with the submitted schedule numbered DA-310- C prepared by Durbach Block Jaggers and received by Council on 22 December 2017, unless otherwise modified by Council in writing.

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

Works to stone wall to Bay View Street boundary

C1. All works, with the exception of repair works or repointing, undertaken to the stone wall that exists along the Bay View Street are limited to the works as detailed on the approved plans.

(Reason: To ensure the retention of significant fabric)

The conditions attached to the original consent for Development Application No. 409/16 by endorsed date of 5 April 2017 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
GEOFF MOSSEMENEAR
EXECUTIVE ASSESSMENT PLANNER