

Veronica White  
53 Cowdroy Avenue  
CAMMERAY NSW 2062

D133/15  
RT (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. **133/15** and registered in Council's records as Application No. **133/15/2** relating to the land described as **53 Cowdroy Avenue, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 7 October 2015, has been determined in the following manner: -

*1. To modify conditions A1 and C17 to read as follows:*

**Development in Accordance with Plans (S96 Amendments)**

A1. The development being carried out in accordance with the following drawings numbered 2014.11.01 (Site Plan), 2014.11.02 "A" Garage entry; 2014.11.00 Roof Plan; 2014.11.07 South and North Elevations 2014.11.09 "A" Western elevation; 2014.11.010 "A" Eastern elevation; dated Nov. 2014, drawn by Conlon Design and received by Council on 30 July 2015, and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D133/15/2:

<b>Plan No.</b>	<b>Date</b>	<b>Drawn by</b>	<b>Received</b>
01 "B"	Nov 17	Conlon Design	24 November 2017
04 "B"	Nov 17	Conlon Design	24 November 2017
05 "B"	Nov 17	Conlon Design	24 November 2017
07 "B"	Nov 17	Conlon Design	24 November 2017
08 "B"	Nov 17	Conlon Design	24 November 2017
09 "B"	Nov 17	Conlon Design	24 November 2017
010 "B"	Nov 17	Conlon Design	30 January 2018

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

**BASIX Certificate**

C17. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. (A298965) for the development are fulfilled. Plans and specifications complying with this condition must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The Certifying Authority must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

2. *To insert new condition no. A4 as follows:*

**Terms of Consent (D133/15/2)**

A4. Approval is granted for the following works as shown on the following drawings:

Plan No.	Date	Drawn by	Received
01 "B"	Nov 17	Conlon Design	24 November 2017
04 "B"	Nov 17	Conlon Design	24 November 2017
05 "B"	Nov 17	Conlon Design	24 November 2017
07 "B"	Nov 17	Conlon Design	24 November 2017
08 "B"	Nov 17	Conlon Design	24 November 2017
09 "B"	Nov 17	Conlon Design	24 November 2017
010 "B"	Nov 17	Conlon Design	30 January 2018

Level 2:

- (a) Removal of the approved utility room and replace with a powder room;
- (b) Removal of an internal wall and door opening adjacent to proposed powder room to create a new siting/TV room;
- (c) Fenestration changes to the location of windows on the western elevation to match the internal layout changes; and
- (d) Installation of tri-fold glazed doors off the new siting/TV room on the southern elevation.

Level 3:

- (a) Deletion of an approved elevated walkway connecting dwelling and the drying area at the rear;
- (b) Construction of a new elevated timber deck replacing the approved elevated walkway from the southern elevation of the dwelling to the rear yard;
- (c) Modifications to the fenestration on the southern elevation to provide a new doorway to access the new elevated timber deck from the main dwelling;
- (d) Retention of an existing laundry window on the southern elevation;

- (e) Construction of a new stairs access on the existing retaining wall to provide access between the new elevated deck and the drying area at the rear; and
- (f) Internal alterations including the reconfiguration of the approved ensuite bathroom, walk-in-robe and laundry.

No approval is given or implied in this consent for any other works, both internal and external, within the subject property.

(Reason: To ensure the terms of the consent are clear.)

The conditions attached to the original consent for Development Application No. 133/15 by endorsed date of 7 October 2015 still apply.

### **ADVISINGS**

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Robin Tse**. 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.

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DATE

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Signature on behalf of consent authority  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)