Ursula Forsyth
61 Blues Point Road
MCMAHONS POINT   NSW   2060

D411/14
(ME) (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)

Notice to Applicant of Determination of Request
to Modify a Development Consent

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **411/14** and registered in Council's records as Application No. **411/14/3** relating to the land described as **61 Blues Point Road, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 1 April 2015, has been determined in the following manner:-

Amend existing condition C9 to read:

Timber Weatherboard Cladding

C9.   The finish applied to the two dormers located on the western elevation must be finished in natural timber weatherboards or 16mm composite boards with traditional profile and deep shadowlines, with painted finish. No approval is given for fibre cement or non-traditional profile cladding to be on the west facing, Blues Point Road façade. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: To ensure the use of materials characteristic to the conservation area)

The conditions attached to the original consent for Development Application No. 411/14 by endorsed date of 1 April 2015 still apply.

ADVISINGS

(a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Marc Ellwood**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 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 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 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 6.3 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 6.6 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 6.6(2)(a) 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 4.55 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 4.55 of the Environmental Planning & Assessment Act.

_____

DATE

_____
Signature on behalf of consent authority
DAVID HOY
TEAM LEADER (ASSESSMENTS)