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PYRMONT NSW 2009

D413/14
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 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. **413/14** and registered in Council's records as Application No. **413/14/2** relating to the land described as **50 Cammeray Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 February 2015, has been determined in the following manner: -

1. Condition Nos. A1, C2 and C17 are modified as follows:

Development in accordance with Plans (S.4.55 amendments)

A1. The development must be carried out in accordance with the following drawings and endorsed with Council's approval stamp,

Drawing No.	Title	Drawn by	Dated
S96 01	Proposed Site Plan	COSO Architecture	December 2017
S96 02	Proposed Lower Ground Floor Plan	COSO Architecture	December 2017
S96 03	Proposed Ground Floor Plan	COSO Architecture	December 2017
S96 04	Proposed First Floor Plan	COSO Architecture	December 2017
S96 05	Proposed East Elevation	COSO Architecture	December 2017
S96 06	Proposed West Elevation	COSO Architecture	December 2017
S96 07	Proposed Front Elevation	COSO Architecture	December 2017
S96 08	Proposed Rear Elevation	COSO Architecture	December 2017
S96 09	Proposed Section A	COSO Architecture	December 2017

except where amended by the following conditions and as modified by highlighting on the above drawings of this consent

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

Privacy

- C2. The plans must be amended prior to the issue of any construction certificate as follows:
- (i) Privacy blades (500mm in depth) must be provided on the outside edge of either side of the window (W10) from the finished floor level to the top of Window W10 to minimise overlooking into the adjoining properties.
 - (ii) W10 on the rear elevation is to have a 50% solid to void ratio for the balustrading to a height of 1 metre above finished floor level with a single sliding door and fixed glazing to the east.
 - (iii) The bathroom and ensuite windows W3 and W4 are to be double hung with the lower panel fixed to a height of at least 1500mm above finished floor level and the glazing to be translucent.
 - (iv) The louvres shown for the windows on the eastern elevation level 1 are to be permanently fixed to provide privacy to the adjoining neighbours rear yard.

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

(Reason: To maintain the visual privacy of Nos. 48 and 52 Cammeray Road)

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. 303189 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. A new condition is imposed to maintain residential amenity as well as an appropriate streetscape character as follows:**

No extension to the garage with a terrace above

- C18 This consent does not approve any works to the lower ground floor level to create a tandem garage including excavation at the rear of the existing garage nor an extension to the existing garage within the front setback.

This consent does not approve the French doors from the formal living room nor any approval for the proposed terrace above the proposed extension to the garage.

(Reason: To ensure the amenity of adjoining properties and the public domain)

The conditions attached to the original consent for Development Application No. 413/14 by endorsed date of 4 February 2015 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 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)