

Original signed by: David Hoy Dated: 29/3/2018

Innovate Architects P/L
PO Box 214
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D465/16
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. **465/16** and registered in Council's records as Application No. **465/16/2** relating to the land described as **80 Blues Point Road, McMahons Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 20 April 2017, has been determined in the following manner:-

1. To modify condition A1 of the consent so as to read as follows:

A1 Development in Accordance with Plans/Documentation

The development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approved stamp.

Plan No.	Issue	Title	Drawn By	Dated	Received
JB# 2499 Sheet# 01	B	Proposed Site/Roof, Garage & Lower Ground Floor Plan	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 02	B	Proposed Ground Floor & First Floor	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 03	B	Proposed Elevations & External Finishes Schedule	Innovate Architects	April 17	23/12/2016
JB# 2499 Sheet# 04	A	Section A-A	Innovate Architects	April 17	23/12/2016

Amended Plans

Except where amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received on	Dated
01	D	Lower Ground Floor Plan	Innovate	07 Mar 2018	Dec 2017
02	D	Proposed Ground & First Floor	Innovate	13 Dec 2017	Dec 2017
03	D	Proposed Elevations & External Finishes Schedule	Innovate	07 Mar 2018	Dec 2017
04	D	Section A-A	Innovate	13 Dec 2017	Dec 2017

(Reason: To clarify the scope of the consent.)

2. The following additional condition shall apply:

Privacy - Windows

C18 The windows labelled W2 & W3 proposed for installation in the southern elevation off the lower ground floor rumpus room must be provided with a frosted or similarly opaque finish.

(Reason: To protect the privacy and amenity of the neighbouring dwelling.

The conditions attached to the original consent for Development Application No. 465/16 by endorsed date of 20 April 2017 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)