

Original signed by: Robyn Pearson Dated: 14/3/2018

Find Your Builder  
PO Box 752  
MANLY NSW 1655

D234/16  
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 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. **234/16** and registered in Council's records as Application No. **234/16/2** relating to the land described as **14 Waringa Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 December 2016, has been determined in the following manner:-

**1. To modify conditions A1 and G6 to read as follows:**

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

A1. The development being carried out in accordance with the following drawings numbered, DA3, DA11, dated May 2016, drawn by JJ Drafting, received by Council on 30 June 2016 and drawings numbered DA2A, DA4A, DA5A, DA6A, dated September 2016, drawn by JJ Drafting, received by Council on 19 October 2016, and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D234/16/2:

Drawing numbered DA2 D, DA4 D, DA5 C, all dated February 2018, prepared by JJ Drafting and received by Council on 1 March 2018.

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

**Compliance with Certain Conditions**

G6. Prior to the issue of any Occupation Certificate, Conditions C1 – Heritage Requirements, C2 – Landscaping and C16 – New Brickwork must be certified as having been implemented on site and complied with.

(Reason: To ensure the development is completed in accordance with the requirements of this consent.)

**2. To insert 2 new conditions, nos. A4 and C16 as follows:**

**Terms of Consent (D234/16/2)**

A4. Approval is granted for the following works as shown on drawings numbered DA4 C, dated Dec 17, drawn by JJ Drafting, received by Council on 21 December 2017 and drawings numbered DA2 D, DA5 C, dated Feb 2018, prepared by JJ Drafting and received by Council on 7 February 2018:

- (a) Demolition works on the eastern side of the original dwelling, including the removal of the original internal and external walls and the original windows as highlighted in red on the approved drawings; and
- (b) Construction of new replacement walls and installation of new windows to Windows 27, 28, 29 and 30 on the south-eastern elevation.

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.)

**New Brickwork (D234/16/2)**

C16 The following must be applied to the new external brickworks within the main dwelling:

- (a) New brickwork must match the existing brickwork within the original dwelling;
- (b) New brickwork must be Federation period bricks salvaged from the subject building and/or matching bricks from a similar Federation period dwelling; and
- (c) The new exposed brickwork must not be painted.

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

(Reason: To maintain the character of the conservation area.)

The conditions attached to the original consent for Development Application No. 234/16 by endorsed date of 12 December 2016 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 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.

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DATE

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