

Tracy Anne Woodley
C/- Contemporary Architecture
203/10-12 Clarke Street
CROWS NEST NSW 2065

D170/17
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. **170/17** and registered in Council's records as Application No. **170/17/2** relating to the land described as **48 Warringa Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 11 July 2017, has been determined in the following manner: -

1. To modify conditions A1 to read as follows:

Development in Accordance with Plans (S4.55 Amendments)

A1. The development being carried out in accordance with the following drawings numbered DA07A, DA08A, DA09A, DA12A, DA13A, DA14A, all dated 15 May 2017, drawn by Contemporary Architecture and received by Council on 17 May 2017; drawings numbered DA10B, DA11B, all dated 16 June 2017, drawn by Contemporary Architecture and received by Council on 16 June 2017; and drawing numbered L-03 of 6 Rev C, L-04 of 6 Rev C, L-05 of 6 Rev C, L-06 of 6 Rev C, all dated 10/02/17, drawn by Serenesapes, received by Council on 17 May 2017, and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D170/17/2:

Drawings numbered S96.01A, S96.02A, S96.03A, S96.05A, S96.06A, all dated 2/27/2018, prepared by Contemporary Architecture and received by Council on 7 March 2018 and drawings numbered L-01 of 6 Rev D, L-02 of 6 Rev D, L-03 of 6 Rev D, L-04 of 6 Rev D, L-05 of 6 Rev D, L-06 of 6 Rev D, all dated 02/02/18, drawn by Serenesapes, received by Council on 7 March 2018.

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

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

Terms of Consent (D170/17/2)

A4. Approval is granted for the following works as shown on drawings numbered S96.01A, S96.02A, S96.03A, S96.05A, S96.06A, all dated 2/27/2018, prepared by Contemporary Architecture and received by Council on 7 March 2018 and drawings numbered L-01 of 6 Rev D, L-02 of 6 Rev D, L-03 of 6 Rev D, L-04 of 6 Rev D, L-05 of 6 Rev D, L-06 of 6 Rev D, all dated 02/02/18, drawn by Serenescapes, received by Council on 7 March 2018:

- (a) Relocation of the approved swimming pool;
- (b) Relocation associated pool equipment area;
- (c) Re-configuration of the external stairs and retaining walls adjacent to the swimming pool; and
- (d) Associated landscaping works.

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. 170/17 by endorsed date of 11 July 2017 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.

DATE

Signature on behalf of consent authority
LARA HUCKSTEPP
EXECUTIVE PLANNER