

Mace Armoni
Pamada 142 Pty Ltd
L9, 189 Kent Street
SYDNEY NSW 2000

D305/05
(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. **305/05** and registered in Council's records as Application No. **305/05/4** relating to the land described as **2 Vale Street (aka 18 Cambridge Street), Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 23 August 2011, has been determined in the following manner:-

1. *To modify the development consent (D305/05) and modify condition C7 to read as follows:*

Works to be completed prior to Issue of Subdivision Certificate

- J7. The Subdivision Certificate to enable the lodgement of the linen plan at NSW Land and Property Information must not be issued until the following works have been completed and actions taken, and evidence of completion has been provided:
 - a) Erection of an open metal pole fence with a minimum height of 1.0m above ground across the site on the location of the boundary between the land to be dedicated as Public Open Space and the proposed neighbourhood lot on the site, except that the fence shall be located 1.0m upslope of any Blackbutt tree, as specified in section 5.5 of the approved Vegetation Management Plan referred to in the revised Planning Agreement;
 - b) Construction of a firebreak wall constructed in blocks with appropriate footings shall be constructed generally in the location shown on Figure 1 of the approved Vegetation Management Plan and 2.0m - 3.0m upslope of the small escarpment across the north-west slope (approximately at the RL 33 to RL35 contour) of the Riparian Zone, such wall to be generally 1.0m high at its downslope base, backfilled with clean crushed sandstone, and located to the satisfaction of Council's Bushland Management Co-ordinator to avoid direct interference with or adjacency to any established tree, as specified in section 5.5 of the approved Vegetation Management Plan referred to in the revised Planning Agreement;

- c) Construction of all drainage works required in respect of the upgrading of the overland flow path at the north-eastern corner of the site, required by Conditions B2 and C8 of this consent;
- d) The revised Planning Agreement entered into in June 2013 between the owners and Council shall be registered on the title of the subject land;
- e) Substantial commencement of the bushland repair works and associated weed removal to regenerate the Riparian Zone and to create the bushfire Inner Protection Area required by the approved Vegetation Management Plan; and
- f) The existing dwelling house and garage on Lot 2 to be upgraded to improve protection from ember attack, by means of enclosure of all openings (excluding roof tile spaces) or covering all openings with a non-corrosive metal screen, to include as relevant any sub-floor areas, openable windows, doors, vents, weep holes and eaves.

The works and actions nominated in (a) to (c) and (e) to (g) above shall be undertaken/completed to the satisfaction of Council.

(Reason: To ensure that the development is completed to an acceptable standard prior to registration, to recognise the 'general terms of approval' by the Rural Fire Service, and to ensure the public purpose of provision of land for public open spaces and recoupment of the cost of providing/upgrading public amenities and services created by the development occurs by way of the revised Planning Agreement)

2. To insert a new condition G15 to read as follows:

Engineering Works

G15. Construction of the vehicular crossing and roadworks off-site and associated drainage works up to 2.0m inside the site at its south-east corner in accordance with Condition C6 of this consent must be implemented in full with the written approval of Council's Development Engineer prior to the issue of any Occupation Certificate.

(Reason: To ensure that the implementation of the required engineering works)

The conditions attached to the original consent for Development Application No. 305/05 by endorsed date of 23 August 2011 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
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)