

Original signed by: Luke Donovan Dated: 12/6/2018

Cave Urban  
73 Bulkara Road  
BELLEVUE HILL NSW 2023

D65/15  
LD(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. **65/15** and registered in Council's records as Application No. **65/15/5** relating to the land described as **16 Rowlison Parade, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 15 July 2015, has been determined in the following manner:-

**Modify Condition A4 as follows:**

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

A4 The development being carried out in accordance with plans identified in Condition A1 of the consent and endorsed with Council's approval stamp, except as modified by the modifications shown in colour on the plans that form part of DA65/15/2:

Drawing No.	Revision	Title	Drawn by:	Dated:
1	-	Site Plan and Landscaping	Cave Urban	21/9/2016
2	-	First Floor	Cave Urban	21/9/2016
3	-	Ground Floor	Cave Urban	21/9/2016
4	-	Elevations	Cave Urban	21/9/2016
5	-	Elevation	Cave Urban	21/9/2016
6	-	Elevation	Cave Urban	21/9/2016
8	-	BASIX Commitments	Cave Urban	21/9/2016

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/15/3:

Drawing No.	Revision	Title	Drawn by	Dated
1	-	Site Plan and Landscaping	Cave Urban	21 June 2017
2	-	First Floor	Cave Urban	21 June 2017
3	-	Ground Floor	Cave Urban	21 June 2017
4	-	Lower Floor	Cave Urban	21 June 2017
5	-	Minor Changes to Elevations	Cave Urban	21 June 2017
6	-	Elevations	Cave Urban	21 June 2017
7	-	Section	Cave Urban	21 June 2017

And except as modified by the modifications shown in colour on the plans that formed part of application No. 65/15/5:

Drawing No.	Revision	Title	Drawn by	Dated
2	-	Ground Floor	Cave Urban Pty Ltd	17 April 2018
3	-	Elevation	Cave Urban Pty Ltd	17 April 2018
4	-	Elevation + Section	Cave Urban Pty Ltd	17 April 2018
5	-	Boundary Wall	Cave Urban Pty Ltd	17 April 2018
2015.46-S33	A	Retaining wall/footing layout	Michael O.K Chuah	-
2015.46-S34	A	Section U-U/S33	Michael O.K Chuah	-
2015.46-S35	A	Section V-V/S33	Michael O.K Chuah	-

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

**Add Conditions G4, G5, G6, G7, G8, G9 and G10 as follows:**

**Additional landscaping adjacent to the western boundary of the site**

G4 Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that screen planting of an evergreen specie is installed adjacent to the western boundary of the site. The screen planting must be maintained at a minimum height of 1.5m above both the finished lawn level (RL23.41) and the slab level of the cantilevered ramp (RL22.80) as indicated in red on the plans that form part of Condition A4 of this consent.

The soil depth above the slab on the western edge of the cantilevered ramp must have a minimum depth of 600mm to sustain the required evergreen species and must have an irrigation system installed. The internal width of the planter box above the slab on the western edge of the cantilevered ramp must have a minimum width of 500mm to support the required evergreen species. To facilitate the above, any changes to the staircase that provides access between the lawn area and the cantilevered ramp must be done in accordance with the requirements of the National Construction Code.

(Reason: To improve privacy with the adjoining property while assisting in minimising the visual impact of the concrete structures.)

**Removal of fill in the north-western corner of the site**

G5 Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that all fill in the northern and north-western corners of the site are removed and appropriately disposed of in an authorized location off-site. The ground levels in the northern and north western corners of the site must be reinstated to those existing ground levels that existed at the time of the survey plan of the subject site prepared by Frank M. Mason & Co Pty Limited dated 22/01/2018.

(Reason: To ensure consistency with the terms of this consent).

**Retaining wall supporting north eastern deck**

G6 Prior to the issue of any occupation certificate, a qualified structural engineer must certify in writing that the north eastern retaining wall supporting the previously approved north eastern deck, has been constructed in accordance with the approved plans that form part of Condition A4 of this consent.

(Reason: To ensure structural adequacy of the retaining wall)

**Re-construction of the western edge of the cantilevered ramp**

G7 Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that the western edge of the slab that forms the cantilevered ramp and planter box as required by Condition G4 of this consent, is re-constructed such that it is wholly within the confines of the subject site as indicated on the plans that form part of Condition A4 of this consent. A registered surveyor must certify in writing to the Principal Certifying Authority that the western edge of the cantilevered wall has been re-constructed wholly within the confines of the subject site.

(Reason: To ensure consistency with the terms of this consent)

**Trailing plants**

G8 Prior to the issue of any occupation certificate, trailing plants must be installed and maintained for the life of the development along the entire length of both the northern and western edges of the cantilevered ramp. There must be no change to the approved level of the stepping stones (RL22.80) that are located along the cantilevered ramp.

(Reason: To assist in minimising the visual impact of the concrete structures.)

**Western side of re-built block wall along western boundary of the site**

G9 Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that the western side of the re-built block wall along western boundary of the site is finished to the written satisfaction of the owners of No. 14 Rowlison Parade, Cammeray.

(Reason: To assist in minimising the visual impacts of the re-built block wall on the property at No. 14 Rowlison Parade.)

**Lawn level to western private open space**

G10 Prior to the issue of any occupation certificate, the Principal Certifying Authority must ensure that lawn level of the private open space on the western side of the dwelling must be no higher than RL23.41 as indicated on the plans that form part of Condition A4 of this consent.

(Reason: To ensure compliance with the terms of this consent.)

The conditions attached to the original consent for Development Application No. 65/15 by endorsed date of 15 July 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.

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DATE

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Signature on behalf of consent authority  
LUKE DONOVAN  
A/TEAM LEADER (ASSESSMENTS)