

Development Consent No. 382/14

Section 4.55 Application

Applicant's Name

Brenham Pty Ltd

Land to which this applies

3 Amherst Street, Cammeray
Lot No.: 101, DP: 618220

Proposal

To modify DA382/14 with regards to increasing the height of the secondary palisade fence that is located behind the existing front boundary fence on the Amherst Street frontage of the site.

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. **382/14** and registered in Council's records as Application No. **382/14/2** relating to the land described as **3 Amherst Street, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 August 2016, has been refused for the following reason: -

No General Terms of Approval

The Office of Environment and Heritage has not granted General Terms of Approval for the modified works.

Particulars

- a) The secondary palisade fence has been constructed to a different height and configuration than originally approved.
- b) The Heritage Act 1977 does not contain provisions for the issuing of General Terms of Approval where the works have already taken place.
- c) The modified application must therefore be refused having regard to Section 4.47(4) of the Environmental Planning and Assessment Act 1979 (as amended).

Any variation to the Development Consent can only be made with the written approval of the Council. Major variations will require a new or amended Development Consent.

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.

Section 4.55 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act, 1979.

DATE

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