

Myriad Consulting
Town Planning and Development
PO Box 2104
ROSE BAY NORTH NSW 2030

D387/17
(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. **387/17** and registered in Council's records as Application No. **387/17/2** relating to the land described as **Unit 8, 33 Milson Road, Cremorne Point**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 16 January 2018, has been determined in the following manner:-

1. Add Condition A4 as follows:

Development in Accordance with Plans (Sec. 4.55 Amendments)

A4. The development being carried out in accordance with the drawing number DA01, DA02, DA03 and Sheet 1 dated 15/10/2017 drawn by Bawtree Design, all received by Council on 1 November 2017 and endorsed with Council's approval stamp, except as modified by highlighting on the following drawings for D387/17/2:

Dwg No.	Issue	Title	Drawn by	Received
DA01	B	Site Plan	Bawtree Design	26 March 2018
DA02	B	Floor Plan	Bawtree Design	26 March 2018
DA03	B	Elevations and Section	Bawtree Design	26 March 2018
DA05	B	Details	Bawtree Design	26 March 2018

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

2. Delete Condition A3 'External Finishes and Materials'

3. *Modify Condition C1 as follows:*

Heritage Amendments

C1. The plans must be amended prior to construction certificate as follows: -

- New works are to be painted to match the existing building colour scheme; and
- New doors to have aluminium or steel framing sections of a width 45mm or wider, or are to be timber-framed

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

(Reason: To retain the character and traditional materials palette in the conservation area)

The conditions attached to the original consent for Development Application No. 387/17 by endorsed date of 16 January 2018 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.

DATE

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