

Original signed by: Robyn Pearson Dated: 21/12/2018

## Development Consent No. 413/14

### Section 4.55 Application

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#### Applicant's Name

Jan van der Bergh and Meaghan van der Bergh  
50 Cammeray Road  
CAMMERAY NSW 2062

#### Land to which this applies

50 Cammeray Road, Cammeray  
Lot No.: 2, DP: 205124

#### Proposal

Section 4.55 (1) to modify development consent D413/14. Request to delete Condition C9.

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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. **413/14** and registered in Council's records as Application No. **413/14/3** relating to the land described as **50 Cammeray Road, Cammeray**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 4 February 2015, has been determined in the following manner:

Condition C9 is Deleted.

#### Reason for approval

The request to delete Condition C9 has been considered having regard to the relevant planning instruments and NSDCP 2013 where the proposal was found to be satisfactory because there would be no further non-compliances with the aforementioned EPIs and/or Council's policies. Nor would it have any impacts for adjoining properties in terms of view loss, excessive bulk and scale, and/or privacy loss. Accordingly, it is recommended that application No. 413/14/3 be approved involving the deletion of Condition No. C9.

### **How were community views taken into account in making the decision**

The application to modify development consent D413/14 was not notified in accordance with NSDCP 2013 because there would be no impact to adjoining properties. The concerns of any previous submitters were addressed with conditions of consent with the original approval to preserve residential amenity.

The conditions attached to the original consent for Development Application No. 413/14 by endorsed date of 4 February 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  
ROBYN PEARSON  
TEAM LEADER (ASSESSMENTS)