

DVB Projects
54A Fraser Road
LONG JETTY NSW 2261

D358/10
(GM) (CIS)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
(AS AMENDED)**

**Notice to Applicant of Determination of Request
to Modify a Development Consent**

Pursuant to Section 96 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **D358/10** and registered in Council's records as Application No. **D358/10/4** relating to the land described as **16-20 Lodge Road, Cremorne**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 28 June 2012, has been determined in the following manner:-

To delete conditions A1 and C30 of the consent and insert the following new conditions namely:

Development in Accordance with Plans

A1. The development being carried out in accordance with landscape drawings numbered 100G, 101I to 103I, 201H to 203H, dated March 2012, drawn by Site Image Landscape Architects, drawings numbered DA01BB, DA02AA, DA03AA, DA04BB, DA05BB and DA07BB to DA10BB, dated 15 May 2012 and DA06CC dated 25 May 2012, drawn by N2 Studio, as amended shown by clouding on drawings numbered DA-02BB, DA-03BB, DA-01CC, DA-04CC, DA-05CC, DA-07CC – DA-09CC and DA-06DD, dated 25 June 2012, drawn by N2 Studio, received by Council on 3 August 2012, as amended by Landscape drawings numbered 000I, 100I, 101I to 103I and 501D, dated November 2015, drawn by Site Image Landscape Architects and drawings numbered DA01 to DA10, all issue 01, dated 16 November 2015, drawn by N2 Studio, all received by Council on 17 November 2015, **as amended by Landscape drawings numbered LP01 to LP04, dated May 2016, drawn by Site Design + Studios: Drawings numbered CC0100, CC1001 to CC1005, CC2001 to CC2005 and CC3001 to CC3003, all issue A, dated 13 May 2016, drawn by Integrated Design Group, all received by Council on 1 June 2016**, and endorsed by Council's approval stamp, except where amended by the following conditions.

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

Front section of fence on western boundary

C30. The proposed fence along the western boundary starting at the street boundary for the first 8m shall be no higher than 2m above the ground level of the driveway of No.14 Lodge Road.

(Reason: Streetscape, excessive height for boundary fencing)

The conditions attached to the original consent for Development Application No. D358/10 by endorsed date of 28 June 2016 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Geoff Mossemenear**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 97 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 96AB, an applicant is able to request Council to review its determination. An application for a review under Section 96AB 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 81A(2) (a) 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 81A(2)(b1)(i) 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 81A(2)(c) 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 96 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 96 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE ASSESSMENT PLANNER