

Original signed by: **David Hoy** on: **19/12/17**

Castlepeake Architects
7/136 Willoughby Road
CROWS NEST NSW 2065

D5/15
(ME) (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. **5/15** and registered in Council's records as Application No. **5/15/2** relating to the land described as **17 Tunks Street, Waverton.**

Your request for the modification of the Development Consent as set out in Notice of Determination dated 26 June 2015, has been determined in the following manner:-

To delete condition A1 of the consent and insert in lieu thereof, the following new condition, namely:

A1 Development in Accordance with Plans/documentation

The Development must be carried out in accordance with the following drawings and documentation and endorsed with Council's approval stamp.

Plan No.	Issue	Title	Drawn by	Received
12250	1	Survey Plan	C.M.S. Surveyors	12.01.15
DA01	DA	Site & Roof Plan	Castlepeake Consulting Pty Ltd	09.01.15
DA02	DA	Lower Level Plan	Castlepeake Consulting Pty Ltd	09.01.15
DA03	DA	Ground Level Plan	Castlepeake Consulting Pty Ltd	09.01.15
DA04	DA1	Upper Level Plan	Castlepeake Consulting Pty Ltd	13.02.15
DA05	DA	Northwest & Southeast Elevations	Castlepeake Consulting Pty Ltd	09.01.15
DA06	DA1	Northeast & Southwest Elevations	Castlepeake Consulting Pty Ltd	13.02.15
DA07	DA	Section A	Castlepeake Consulting Pty Ltd	09.01.15
DP01	DA1	Demolition Plan – Lower Floor	Castlepeake Consulting Pty Ltd	13.02.15
DP02	DA1	Demolition Plan – Ground Floor	Castlepeake Consulting Pty Ltd	13.02.15
DCP1	B	Drainage Concept Proposal	Paul Bekker Engineering	11.06.15
Finishes	DA1	Schedule of External Finishes	Castlepeake Consulting Pty Ltd	13.02.15
DR01	DA1	Driveway Sections	Castlepeake Consulting Pty Ltd	13.02.15

Amended Plans

Except where amended by the following plans:

Plan No.	Issue	Title	Drawn by	Received
DA01	S96	Site & Roof Plan	Castlepeake Consulting Pty Ltd	13.09.2017
DA03	S96	Ground Level Plan	Castlepeake Consulting Pty Ltd	13.09.2017
DA05	S96	North West & South East Elevations	Castlepeake Consulting Pty Ltd	13.09.2017

Except where amended by the following additional condition(s).

Insert new conditions I1 so as to read as follows:

I. On-Going / Operational Conditions

Front Setback Parking

- I1. The front setback of the site may accommodate parking for a single vehicle only. No consent is granted or may be implied for a second vehicle to be parked within the front setback of the site.

(Reason: Discourage reliance on private motor vehicles.)

The conditions attached to the original consent for Development Application No. 5/15 by endorsed date of 26 June 2015 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Marc Ellwood**. 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
DAVID HOY
TEAM LEADER (ASSESSMENTS)